

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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DEALERSOCKET, INC.,  
Petitioner,

v.

AUTOALERT, LLC,  
Patent Owner.

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Case CBM2014-00139  
Patent 8,396,791 B2

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Before JAMESON LEE, JONI Y. CHANG, and  
MICHAEL R. ZECHER, *Administrative Patent Judges*.

ORDER  
Trial Hearing Notice  
*37 C.F.R. § 42.70*

The Scheduling Order for this case set the date for oral argument on May 20, 2015, if oral argument is requested by the parties and granted by the Board. Paper 13. Petitioner and Patent Owner both requested oral argument. Papers 29, 30.

The parties' requests for oral argument are *granted*.

A consolidated oral argument will be held for CBM2014-00132 and CBM2014-00139. Any argument made by a party at the consolidated oral argument will be useable only in a proceeding in which the record provides a proper foundation for making the argument.

Each party will have sixty (60) minutes of total time to present arguments for the two proceedings. Petitioner bears the ultimate burden of proof that the claims at issue in these proceedings are unpatentable. Therefore, at oral argument, Petitioner will proceed first to present its case with respect to the challenged claims and grounds with respect to which the Board instituted trial in CBM2014-00132 and CBM2014-00139. Petitioner may reserve some of its argument time for rebuttal.

Thereafter, Patent Owner will respond to Petitioner's presentation, having available to it the entirety of its allotted argument time. Finally, Petitioner may make use of the time it has reserved to rebut Patent Owner's opposing presentation with regard to the challenged patent claims.

The oral argument will commence at 10:00 AM Eastern Time on May 20, 2015, and will be open to the public for in-person attendance on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. In-person attendance will be accommodated on a first-come, first-served, basis. The Board will provide a court reporter for the hearing and the reporter's transcript will constitute the official record of the hearing.

Under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served three business days prior to the hearing. They shall be filed at the Board two business days prior to the hearing, and the parties must initiate a conference call with the Board at least one business days prior to the hearing to resolve any dispute over the propriety of each party's demonstrative exhibits. Any dispute over the propriety of demonstrative exhibits that is not timely presented will be considered waived. The parties are directed to *CBS Interactive Inc. v. Helferich Patent Licensing, LLC*, IPR2013-00033, Paper 118 (PTAB 2013), regarding the appropriate content of demonstrative exhibits.

If any evidence is confidential or under seal, counsel for each party shall be mindful not to, at oral argument, reveal such confidential or sealed information. Instead, the counsel for the parties shall make reference to such information without actually disclosing the information. If either party objects to this manner of handling confidential or sealed information at oral argument, it shall initiate a joint conference call with the Board at least three business days prior to the date of oral argument, to discuss the matter.

Questions regarding specific audio-visual equipment should be directed to the Board at (571) 272-9797. Requests for audio-visual equipment are to be made 5 days in advance of the hearing date. The request is to be sent to [Trials@uspto.gov](mailto:Trials@uspto.gov). If the request is not received timely, the equipment may not be available on the day of the hearing.

The Board expects lead counsel for each party to be present at hearing, although any backup counsel may make the actual presentation, in whole or in part. If any lead counsel will not be in attendance at hearing, the

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Board should be notified via a joint telephone conference call no later than three business days prior to the hearing to discuss the matter.

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