

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

iVENTURE CARD TRAVEL LTD,
Petitioner,

v.

SMART DESTINATIONS, INC.
Patent Owner.

Case CBM2016-00092
Case CBM2016-00093¹

Before THOMAS L. GIANNETTI, RAMA G. ELLURU, and
CHRISTOPHER M. KAISER, *Administrative Patent Judges*.

GIANNETTI, *Administrative Patent Judge*.

ORDER
Request for Oral Hearing
37 C.F.R. § 42.70

¹ The parties are not authorized to use this caption.

The Scheduling Orders for these cases set the date for oral hearing as September 8, 2017, if a hearing is requested by the parties and granted by the Board. Petitioner has requested oral hearing in each case pursuant to 37 C.F.R. § 42.70.

Discussion

A conference call in these cases was held on August 11, 2017, at the request of the panel. The purpose of the call was to discuss Petitioner's requests for oral argument. In addition to the panel (Judges Thomas Giannetti, Rama Elluru, and Christopher Kaiser), lead counsel for the Petitioner and Patent Owner were present on the call.

In response to a question from the panel, Patent Owner's counsel indicated that Patent Owner's counsel expected to attend the argument. The panel then raised the issue of the proper scope of Patent Owner's counsel's oral argument in view of the fact that Patent Owner has filed no preliminary response, patent owner response, or any other substantive paper in either case. The timing and location of the hearing were also discussed with counsel.

The panel has considered these matters and, in view of the foregoing, it is hereby

ORDERED that Petitioner's request for oral hearing in each case is *granted*;

FURTHER ORDERED that Petitioner will have a total of 30 minutes to present argument in both cases;

FURTHER ORDERED that Petitioner may allocate its time between the cases as it sees fit;

FURTHER ORDERED that Petitioner will open the hearing by presenting its case regarding the challenged claims for which the Board instituted trial.

FURTHER ORDERED that after Petitioner's presentation, Patent Owner will have 30 minutes to respond to Petitioner's argument. In view of the fact that Patent Owner has filed no substantive papers, Patent Owner will be limited to responding to arguments raised by Petitioner at the hearing, and will not be permitted to raise any additional arguments. This ruling will be strictly enforced by the panel.

FURTHER ORDERED that Petitioner may reserve rebuttal time to respond to arguments presented by Patent Owner.

FURTHER ORDERED that the hearing will commence at 10 A.M. ET on September 8, 2017, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. The Board will provide a court reporter for the hearing and the reporter's transcript will constitute the official record of the hearing. The hearing will be open to the public for in-person attendance that will be accommodated on a first-come, first-served basis.

FURTHER ORDERED that in view of the fact that the substantive record in this case consists of one document (the Petition) and the sole issue in the case is eligibility of the claims under 35 U.S.C. § 101, no demonstrative exhibits are authorized.

FURTHER ORDERED that the Board expects lead counsel for each party to be present in person at the oral hearing. Any counsel of record, however, may present the party's argument.

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PETITIONER:

Steven Carlson

Kevin Pasquinelli

KASOWITZ, BENSON, TORRES, AND FRIEDMAN, LLP

scarlson@kasowitz.com

kpasquinell@kasowitz.com

PATENT OWNER:

Matthew Lowrie

Lucas Silva

Daniel Rose

FOLEY & LARDNER LLP

mlowrie@foley.com

lsilva@foley.com

drose@foley.com