

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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TOSHIBA CORPORATION, TOSHIBA AMERICA, INC.,  
TOSHIBA AMERICA ELECTRONIC COMPONENTS, INC.,  
and TOSHIBA AMERICA INFORMATION SYSTEMS, INC.,  
Petitioner,

v.

INTELLECTUAL VENTURES I LLC,  
Patent Owner.

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Case IPR2014-00113  
Patent 6,058,045

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Before KEVIN F. TURNER, TREVOR M. JEFFERSON, and  
DAVID C. McKONE, *Administrative Patent Judges*.

TURNER, *Administrative Patent Judge*.

ORDER  
*Requests for Oral Argument*  
37 C.F.R. § 42.70

The Revised Scheduling Order (Paper 14) for this proceeding provided that an oral hearing would be conducted if the hearing is requested by the parties and granted by the Board. Patent Owner and Petitioner requested oral hearing pursuant to 37 C.F.R. § 42.70. Papers 22, 23. The requests are *granted*.

Each side will have sixty (60) minutes to present argument. Petitioner bears the ultimate burden of proof that Patent Owner's claims at issue are unpatentable. Thus, Petitioner will open the hearing by presenting its case regarding the challenged claims for which we instituted trial. Petitioner may reserve some of its argument time for rebuttal. Thereafter, Patent Owner will respond to Petitioner's presentation.

The hearing will commence at 10:00 AM on November 6, 2014, 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. If the parties have any concern about disclosing confidential information, they are requested to contact the Board at least 5 days in advance of the hearing to discuss the matter. At least one member of the panel will be attending the oral argument remotely by use of two-way audiovisual communication equipment.

The parties are reminded that under 37 C.F.R. § 42.53(f)(7), a proponent of deposition testimony must file such testimony as an exhibit. The Board will not consider any deposition testimony that has not been so filed.

Furthermore, under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served at least five business days before the hearing date. The parties also shall provide a courtesy copy of any demonstrative exhibits to the Board at least five business days prior to the hearing by emailing them to [Trials@uspto.gov](mailto:Trials@uspto.gov). The

parties shall *not* file any demonstrative exhibits in this proceeding without prior authorization from the Board. The parties also should note that one or more members of the panel will be attending the hearing electronically from a remote location and will not be able to view the projection screen in the hearing room. If a demonstrative exhibit is not filed before the hearing or otherwise made available to the judge presiding over the hearing remotely, that demonstrative exhibit will not be considered.

The parties must file any objections to the demonstratives with the Board at least two business days before the hearing. Any objection to demonstrative exhibits that is not timely presented will be considered waived. The objections should identify with particularity which demonstratives are subject to objection and include a short (one sentence or less) statement of the reason for each objection. No argument or further explanation is permitted. The Board will consider the objections and schedule a conference if deemed necessary.

Otherwise, the Board will reserve ruling on the objections until after the oral argument. The parties are directed to *St. Jude Medical, Cardiology Division, Inc. v. The Board of Regents of the University of Michigan*, IPR2013-00041 (PTAB January 27, 2014) (Paper 65), for guidance regarding the appropriate content of demonstrative exhibits. *See also CBS Interactive Inc. v. Helferich Patent Licensing, LLC*, IPR2013-00033, Paper 118 (PTAB October 23, 2013) (The Board has the discretion to limit the parties' demonstratives to pages in the record should there be no easy resolution to objections over demonstratives). No live testimony from any witness will be taken at the oral argument.

The Board expects lead counsel for each party to be present in person at the oral hearing. However, any counsel of record may present the party's argument. If either party expects that its lead counsel will not be attending the oral argument,

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the parties should initiate a joint telephone conference with the Board no later than two business days prior to the oral hearing to discuss the matter.

Any special requests for audiovisual equipment should be directed to [Trials@uspto.gov](mailto:Trials@uspto.gov). Requests for special equipment will not be honored unless presented in a separate communication not less than five days before the hearing, directed to the above email address.

PETITIONER:

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