

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

IGB AUTOMOTIVE LTD. and I.G. BAUERHIN GMBH,
Petitioner,

v.

GENTHERM GMBH,
Patent Owner.

Case IPR2014-00666
Patent 7,229,129 B2

Before JOSIAH C. COCKS, BENJAMIN D. M. WOOD, and
RICHARD E. RICE, *Administrative Patent Judges*.

COCKS, *Administrative Patent Judge*.

ORDER
Trial Hearing
37 C.F.R. § 42.70

This is one of five related *inter partes* review proceedings that had been scheduled for oral argument, if requested, on either June 9, 2015 or June 10, 2015.¹ Both parties have requested oral argument in connection with all five proceedings. The requests are *granted*.

On May 19, 2015, a conference call was held between counsel for the respective parties and Judges Cocks and Wood. The call was initiated by the Board to determine if either party objects to conducting oral argument for all five related proceedings on June 9, 2015. Neither party objected. After inquiry from the panel, both parties indicated a preference to consolidate the argument for IPR2014-00661 and IPR2014-00664 into a single session. Both parties also indicated a preference for arguing each of IPR2014-00666, IPR2014-00667, and IPR2014-00668 in separate, individual sessions.

Oral argument with respect to IPR2014-00666 will commence at 2:00 PM ET on June 9, 2015. The hearing will be conducted on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia 22314. The hearing will be open to the public for in-person attendance, which 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.

Each party will have thirty (30) minutes of total argument time. Petitioner bears the ultimate burden of proof that the claims at issue in this review are unpatentable. Therefore, at oral hearing Petitioner will proceed first to present its case with regard to the challenged claims on which basis we instituted trial. Petitioner may reserve rebuttal time. Thereafter, Patent

¹ The five proceedings are: IPR2014-00661; IPR2014-00664, IPR2014-00666; IPR2014-00667; and IPR2014-00668.

Owner will argue its opposition to Petitioner's case. Petitioner may use any time Petitioner reserved to rebut Patent Owner's opposition.

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. If the request is not received timely, the equipment may not be available on the day of the hearing. The parties are reminded that the presenter must identify clearly and specifically each demonstrative exhibit (e.g., by slide or screen number) referenced during the hearing to ensure the clarity and accuracy of the reporter's transcript.

Under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served five business days prior to the hearing. The parties are further directed to file demonstrative exhibits two business days prior to the hearing, and request a conference call with the Board no later than two business days prior to the hearing to resolve any dispute over the propriety of each party's demonstrative exhibits. The parties are responsible for requesting such a conference sufficiently in advance of the hearing to accommodate this requirement. Any objection to demonstrative exhibits that is not presented timely will be considered waived. The parties may refer to *CBS Interactive Inc. v. Helferich Patent Licensing, LLC*, IPR2013-00033 (PTAB October 23, 2013) (Paper 118), and *St. Jude Medical, Cardiology Div., Inc. v. The Board of Regents of the University of Michigan*, IPR2013-00041 (PTAB Jan. 27, 2014) (Paper 65) regarding the appropriate content of demonstrative exhibits.

The Board expects lead counsel for each party to be present in person at the oral hearing. Lead or backup counsel, however, may present the party's argument. If either party anticipates that its lead counsel will not be attending the oral argument, the parties should request a joint telephone conference with the Board no later than two business days prior to the oral hearing to discuss the matter.

It is

ORDERED that oral argument will commence at 2:00 PM ET on June 9, 2015.

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