

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE, INC.,
Petitioner,

v.

VISUAL REAL ESTATE, INC.,
Patent Owner.

Cases¹

IPR2014-01338 (Patent 7,389,181 B2)
IPR2014-01339 (Patent 7,389,181 B2)
IPR2014-01340 (Patent 7,929,800 B2)
IPR2014-01341 (Patent 8,078,396 B2)

Before MICHAEL R. ZECHER, BEVERLY M. BUNTING, and
KEVIN W. CHERRY, *Administrative Patent Judges*.

BUNTING, *Administrative Patent Judge*.

ORDER
Oral Hearing
37 C.F.R. § 42.70

¹ This Order addresses issues that are identical in all four cases. We exercise our discretion to issue one Order to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

IPR2014-01338 (Patent 7,389,181 B2)
IPR2014-01339 (Patent 7,389,181 B2)
IPR2014-01340 (Patent 7,929,800 B2)
IPR2014-01341 (Patent 8,078,396 B2)

We instituted the above-identified *inter partes* reviews. *See, e.g.*, Paper 11.² In Cases IPR2014-01338 and IPR2014-01339, both parties requested an oral hearing pursuant to 37 C.F.R. § 42.70. Papers 28, 31. In Cases IPR2014-01340 (Papers 27, 30) and IPR2014-01341 (Papers 27, 30), Patent Owner believes that oral argument is not necessary, but nonetheless requested oral argument if Petitioner's request for oral argument is granted. The parties' requests are *granted* for each proceeding. The hearing will commence at **1:00 PM Eastern Standard Time, on October 28, 2015**, and will be conducted at the **USPTO Central Headquarter located in Alexandria, Virginia** (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 at the USPTO Central Headquarter in Alexandria, Virginia, as well as at the USPTO Detroit Regional Office (the second floor, 300 River Place Drive, Detroit, Michigan 48207). In-person attendance will be accommodated on a first-come first-serve basis.

The above-identified proceedings involve the same parties and similar issues. The trial schedules for each proceeding have been synchronized, and the oral hearings have been scheduled on the same day. *See, e.g.*, Paper 12. The oral arguments for these proceedings will be merged and conducted at the same time, i.e., not in *seriatim*.

Each party will have one hour of total time to present its arguments. Because Petitioner bears the ultimate burden of proof that the challenged

² For purposes of convenience, all citations are to papers filed in Case IPR2014-01338, as representative, unless otherwise noted.

IPR2014-01338 (Patent 7,389,181 B2)
IPR2014-01339 (Patent 7,389,181 B2)
IPR2014-01340 (Patent 7,929,800 B2)
IPR2014-01341 (Patent 8,078,396 B2)

claims are unpatentable, Petitioner will proceed first to present its case as to the challenged claims and grounds the Board instituted trial. Thereafter, Patent Owner will respond to Petitioner's case. Petitioner may reserve some of its argument time for use in further presentation after Patent Owner has responded to Petitioner's initial presentation. No live testimony from any witness will be taken at the oral argument.

We expect lead counsel for each party to be present at oral hearing, although any backup counsel may make the actual presentation, in whole or in part. If lead counsel for either party will not be in attendance at oral hearing, we should be notified via a joint telephone conference call no later than two business days prior to the oral hearing to discuss the matter.

We will provide a court reporter for the oral argument and the reporter's transcript will constitute the official record of the oral argument. The hearing transcript will be entered in the record of all four proceedings.

Under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served five business days before the hearing. They shall be filed three business days prior to the hearing. The parties must initiate a conference call with the panel at least two business days prior to the hearing to resolve any dispute over the propriety of each party's demonstrative exhibits. The parties are directed to *St. Jude Medical, Cardiology Division, Inc. v. The Board of Regents of the University of Michigan*, Case IPR2013-00041 (PTAB Jan. 27, 2014) (Paper 65), for guidance regarding the appropriate content of demonstrative exhibits. *See also CBS Interactive Inc. v. Helferich Patent Licensing, LLC*, Case IPR2013-00033 (PTAB Oct. 23, 2013) (Paper 118) (The Board has the discretion to limit the parties' demonstratives to pages in

IPR2014-01338 (Patent 7,389,181 B2)
IPR2014-01339 (Patent 7,389,181 B2)
IPR2014-01340 (Patent 7,929,800 B2)
IPR2014-01341 (Patent 8,078,396 B2)

the record should there be no easy resolution to objections over demonstratives.).

The parties are reminded that each 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. The parties also should note that one panel member will be attending the hearing electronically from the USPTO Detroit Regional Office, and that, if a demonstrative is not filed or otherwise made fully available or visible to the judge presiding over the hearing remotely, that demonstrative will not be considered.

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.

IPR2014-01338 (Patent 7,389,181 B2)
IPR2014-01339 (Patent 7,389,181 B2)
IPR2014-01340 (Patent 7,929,800 B2)
IPR2014-01341 (Patent 8,078,396 B2)

For PETITIONER:

Michael T. Hawkins
John C. Phillips
Kim H. Leung
Patrick J. Bisenius
David S. Almeling
Fish & Richardson P.C.
Hawkins@fr.com
phillips@fr.com
leung@fr.com
bisenius@fr.com
IPR19473-0324IP1@fr.com

For PATENT OWNER:

Charles R. Macedo
Brian A. Comack
Amster, Rothstein & Ebenstein LLP
Joseph P. Kincart
Ideation Law, PLLC
cmacedo@arelaw.com
VRE-IPR@arelaw.com
JKincart@ideationlaw.com