

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

JTEKT CORPORATION,
Petitioner,

v.

GKN AUTOMOTIVE LTD.,
Patent Owner.

Case IPR2016-00046
Patent 8,215,440 B2

Before MICHAEL P. TIERNEY, JOSIAH C. COCKS, and JAMES J.
MAYBERRY, *Administrative Patent Judges*.

MAYBERRY, *Administrative Patent Judge*.

ORDER
Trial Hearing
37 C.F.R. § 42.70

Petitioner, JTEKT Corporation, and Patent Owner, GKN Automotive LTD., each requested oral argument. Papers 20, 21. The requests are *granted*.

Oral argument will commence at 1:30 PM ET on December 6, 2016. 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 forty-five (45) 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 Owner will argue its opposition to Petitioner's case. Petitioner may use any time Petitioner reserved to rebut Patent Owner's opposition. Patent Owner may not reserve rebuttal time.

Specific requests for video equipment should be directed to Trials@uspto.gov at least **5 days in advance of the hearing date**. If the request is not received timely, the equipment may not be available on the day of the hearing. Questions regarding specific audio-visual equipment should be directed to the Board at (571) 272-9797.

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. A hard copy of the demonstratives should be provided to the court reporter at the hearing. Also, the parties are reminded that, at the oral argument, they "may rely upon evidence that has been previously submitted in the proceeding and may only present arguments relied upon in the papers previously submitted." Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012). "No new evidence or arguments may be presented at the oral argument." *Id.*

Under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served on opposing party seven (7) business days prior to the hearing. The Board expects that the parties will meet and confer in good faith to resolve any objections to demonstrative exhibits, but if such objections cannot be resolved, the parties are directed to request a conference call with the Board no later than three 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 Board asks the parties to confine demonstrative exhibit objections to those identifying egregious violations that are prejudicial to the administration of justice. 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 parties are directed to file demonstrative exhibits two business days prior to the hearing.

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 1:30 PM ET on December 6, 2016.

IPR2016-00046
Patent 8,215,440 B2

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