

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GARMIN INTERNATIONAL, INC. ET AL.
Petitioner

v.

CUOZZO SPEED TECHNOLOGIES LLC
Patent Owner

Case IPR2012-00001 (JL)
Patent 6,778,074

Before JAMESON LEE, MICHAEL P. TIERNEY, and JOSIAH C. COCKS,
Administrative Patent Judges.

LEE, *Administrative Patent Judge.*

ORDER
Trial Hearing
37 C.F.R. § 316(a)(10)

This inter parte review was instituted on January 9, 2013. (Paper 15.) A Scheduling Order was issued on January 9, 2013, which set the date for oral

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hearing to August 16, 2013, if hearing is requested by the parties and granted by the Board. (Paper 16.) On July 12, 2013, both parties requested oral hearing pursuant to 37 C.F.R. § 42.70. (Papers 46 and 47.) The requests are **granted**.

Each party will have sixty (60) minutes of total oral argument time. Garmin, as petitioner, bears the ultimate burden of proof that Cuozzo's claims at issue in this review are unpatentable. Therefore, at oral hearing Garmin will proceed first to present its case with regard to the challenged claims on which basis the Board instituted trial. Thereafter, Cuozzo will respond to Garmin's case and also present its own case with regard to Cuozzo's motion to amend claims, as Cuozzo bears the burden of proof on its motion to amend claims. After that, Garmin will make use of the rest of its time responding to Cuozzo's presentation on all matters. Finally, Cuozzo will take its turn but addressing only issues in its motion to amend claims.

There is a strong public policy interest in making all information presented in an *inter partes* review public, as the review determines the patentability of claims in an issued patent and thus affects the rights of the public. This policy is reflected in part in 35 U.S.C. § 316(a)(1) which provides that the file of any *inter partes* review shall be made available to the public, except that any petition or document filed with the intent that it be sealed shall, if accompanied by a motion to seal, be treated as sealed pending the outcome of the ruling on the motion.

Some information in the record of this case has been sealed pursuant to Cuozzo's motion to seal. In a telephone conference call held on July 16, 2013, the Board instructed counsel for Cuozzo to respond within one week on whether Cuozzo opposes making the hearing public. Cuozzo has filed no such objection.

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Accordingly, the Board exercises its discretion to make the oral hearing publically available via in-person attendance.

Specifically, the hearing will commence at 1:00 PM, on August 16, 2013, and it will be open to the public for in-person attendance, on the ninth floor of Madison Building East, 600 Dulaney Street, Alexandria, Virginia. In-person attendance will be accommodated on a first come first serve basis.

The Board will provide a court reporter for the hearing and the reporter's transcript will constitute the official record of the hearing.

Under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served five business days before the hearing and filed at the Board no later than at the time of the hearing. Any issue regarding demonstrative exhibits should be resolved prior to the hearing by way of a joint telephone conference call to the Board.

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For PETITIONER

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