

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

138 EAST LCD ADVANCEMENTS LIMITED,
Patent Owner.

IPR2024-00959
Patent 7,428,082 B2

Before KRISTEN L. DROESCH, GEORGE R. HOSKINS, and
CHRISTOPHER M. KAISER, *Administrative Patent Judges*.

HOSKINS, *Administrative Patent Judge*.

ORDER
Setting Oral Argument
37 C.F.R. § 42.70

I. ORAL ARGUMENT

A. *Time and Format*

The parties have each filed a Request for Oral Hearing in this proceeding. *See* Papers 18 and 20. Accordingly, oral arguments will commence at **11:00 am E.T., Tuesday, September 30, 2025, in person¹ at the USPTO Headquarters in Alexandria, Virginia.²** The Board will provide a court reporter for the hearing, and the reporter's transcript will constitute the official record of the hearing. If there are any concerns about disclosing confidential information in a public hearing, the parties must contact the Board at Trials@uspto.gov at least ten (10) business days before the hearing date.

The parties have each requested sixty (60) minutes of argument time per party. *See* Papers 18 and 20. Accordingly, each party is granted a total of sixty (60) minutes of argument time, as follows.

Petitioner, as the party with the burden of proof and persuasion, will start with its case in chief. Then, Patent Owner will present its case in chief. Both parties may reserve some, but no more than half, of their allotted time for a rebuttal by Petitioner following Patent Owner's case in chief, and then

¹ Both parties requested an in-person hearing in Alexandria. *See* Papers 18 and 20. If a party becomes no longer able to appear in-person for the hearing, the party must contact the Board at PTABHearings@uspto.gov as soon as possible.

² Visitors to any USPTO facility where identification is required must present state-issued identification that is REAL ID compliant. Alternatively, visitors can present another form of government-issued photo identification listed on the Department of Homeland Security Transportation Security Administration's Acceptable IDs webpage at <https://www.tsa.gov/travel/security-screening/identification>.

a sur-rebuttal by Patent Owner. The parties are reminded that arguments made during rebuttal and sur-rebuttal periods must be responsive to arguments the opposing party made in its immediately preceding presentation. The parties are also reminded that during the hearing, the parties “may only present arguments relied upon in the papers previously submitted.” Patent Trial and Appeal Board Consolidated Trial Practice Guide (“CTPG”) 86 (Nov. 2019).³ Both parties will have the ability to present demonstrative exhibits during the hearing, as discussed further below.

The parties may request a pre-hearing conference in advance of the hearing. *See* CTPG 82. “The purpose of the pre-hearing conference is to afford the parties the opportunity to preview (but not argue) the issues to be discussed at the hearing, and to seek the Board’s guidance as to particular issues that the panel would like addressed by the parties.” *Id.* If either party desires a pre-hearing conference, the parties should jointly contact the Board at Trials@uspto.gov by DUE DATE 6 (as indicated in the Amended Scheduling Order in this proceeding (Paper 15)) to request a conference call for that purpose. Any request should include an agreed-upon set of issues for discussion and several proposed times for the conference. Any pre-hearing conference should take place at least three (3) business days before the hearing date.

B. Demonstrative Exhibits

At least seven (7) business days prior to the hearing, each party shall serve on the other party any demonstrative exhibit(s) it intends to use during

³ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

the hearing. *See* 37 C.F.R. § 42.70(b). At least three (3) business days prior to the hearing, each party shall file any demonstrative exhibits it intends to use during the hearing as exhibits.

Demonstrative exhibits used at the oral hearing are aids to oral argument and are not evidence. Accordingly, demonstrative exhibits shall be clearly marked with the words “DEMONSTRATIVE EXHIBIT – NOT EVIDENCE” in the footer. Demonstrative exhibits cannot be used to advance arguments or introduce evidence not previously presented in the record. *See Dell Inc. v. Acceleron, LLC*, 884 F.3d 1364, 1369 (Fed. Cir. 2018) (holding that the Board is obligated under its own regulations to dismiss untimely argument “raised for the first time during oral argument”). “[N]o new evidence may be presented at the oral argument.” CTPG 86; *see also St. Jude Med., Cardiology Div., Inc. v. The Bd. of Regents of the Univ. of Mich.*, IPR2013-00041, Paper 65, 2–3 (PTAB Jan. 27, 2014) (explaining that “new” evidence includes evidence already of record but not previously discussed in any paper of record).

Furthermore, because of the strict prohibition against the presentation of new evidence or arguments at a hearing, it is strongly recommended that each demonstrative include a citation to a paper in the record, which allows the Board to easily ascertain whether a given demonstrative contains “new” argument or evidence or, instead, contains only that which is developed in the existing record.

Due to the nature of the Board’s consideration of demonstratives and the opportunity afforded for the parties to reach an agreement without involving the Board, the Board does not anticipate that objections to demonstratives are likely to be sustained. Nevertheless, to the extent that a

party objects to the propriety of any demonstrative, the parties shall meet and confer in good faith to resolve any objections to demonstratives prior to filing the objections with the Board. If such objections cannot be resolved, the parties may file any objections to demonstratives with the Board no later than the time of the hearing. The objections shall identify with particularity which portions of the demonstratives are subject to objection (and should include a copy of the objected-to portions) and include a one sentence statement of the reason for each objection. No argument or further explanation is permitted. The Board will consider any objections, and may reserve ruling on the objections.⁴ Any objection to demonstratives that is not timely presented will be considered waived.

Finally, the parties are reminded that each presenter should identify clearly and specifically each paper (e.g., by slide or screen number for a demonstrative) referenced during the hearing to ensure the clarity and accuracy of the court reporter's transcript and for the benefit of all participants appearing electronically.

C. Presenting Counsel

The Board generally expects lead counsel for each party to be present at the hearing via video. *See* CTPG 11. Any counsel of record may present the party's argument.

D. Remote Attendance Requests

Members of the public may request to listen to and/or view this hearing. If resources are available, the Board generally expects to grant such

⁴ If time permits, the Board may schedule a conference call with the parties to discuss any filed objections.

requests. If either party objects to the Board granting such requests, for example, because confidential information may be discussed, the party must notify the Board at PTABHearings@uspto.gov at least ten (10) business days prior to the hearing date.

E. Audio/Visual Equipment Requests

Any special requests for audio-visual equipment should be directed to PTABHearings@uspto.gov. A party may also indicate any special requests related to appearing at a video hearing, such as a request to accommodate deaf or hard-of-hearing individuals and blind or low-vision individuals, and indicate how the PTAB may accommodate the special request. Any special requests must be presented in a separate communication at least five (5) business days before the hearing date.

F. Legal Experience and Advancement Program

The Board has established the “Legal Experience and Advancement Program,” or “LEAP,” to encourage advocates with less legal experience to argue before the Board to develop their skills.⁵ The parties are encouraged to participate in the Board’s LEAP program. Either party may request that a qualifying LEAP practitioner participate in the program and conduct at least a portion of the party’s oral argument. The Board will grant up to fifteen (15) minutes of additional argument time to that party. A party should submit the LEAP Practitioner Verification Form and Request for Oral

⁵ Information about the LEAP program and the combined LEAP Practitioner Request for Oral Hearing Participation and Verification Form can be found at www.uspto.gov/leap.

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Hearing Participation, at least five (5) business days before the oral hearing, by email to the Board at PTABHearings@uspto.gov.

II. ORDER

Accordingly, it is:

ORDERED that oral argument shall commence at **11:00 am E.T., Tuesday, September 30, 2025, in person at the USPTO Headquarters in Alexandria, Virginia**, and proceed in the manner set forth herein.

FOR PETITIONER:

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