



UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CURT G. JOA, INC.,
Petitioner,

v.

FAMECCANICA.DATA S.P.A.,
Patent Owner.

Case IPR2016-00906
Patent 6,994,761 B2

Before JO-ANNE M. KOKOSKI, KRISTINA M. KALAN, and
JENNIFER MEYER CHAGNON, *Administrative Patent Judges*.

CHAGNON, *Administrative Patent Judge*.

ORDER
Conduct of the Proceedings
37 C.F.R. § 42.5
Oral Argument
37 C.F.R. § 42.70

The parties' requests for oral hearing previously have been granted. Paper 55. In our previous Order, we instructed the parties that because the hearing is open to the public, confidential information is not to be discussed during the hearing. We also previously instructed the parties that if either party anticipated a need to substantively discuss information designated as confidential during the hearing, we would consider requests to close a portion of the hearing to the public. Paper 54. In a June 19, 2017 e-mail to the Board, counsel for Patent Owner made such a request. Upon consideration, and in view of Petitioner's pending Motion to Seal, we grant Patent Owner's request, subject to the procedure explained below. Except as changed herein, all other instructions in our previous Order regarding the oral hearing remain in effect. *See* Paper 55.

Seating in the hearing room will be accommodated on a first-come, first-served basis, until such time as the hearing room is closed to the public for presentation of argument and evidence that discloses information that has been designated as confidential in these proceedings. As previously ordered, each side will have sixty (60) minutes total to present its argument. *See id.* As set forth below, up to thirty (30) minutes of the total time allotted for the oral hearing shall be closed to the public to provide an opportunity for presentation of argument and evidence relating to confidential information.

After the parties' presentations during the open portion of the hearing (*see id.*), the courtroom shall be closed to persons not authorized to access confidential information. The court reporter shall be directed to mark as confidential the remaining portion of the transcript. The parties will each be allocated up to fifteen (15) minutes of argument relating to confidential information in a session closed to the public. The parties will proceed with

their presentations during the closed session in the same order as set forth for the oral hearing generally (*see id.*).

Either party may, at the beginning of the hearing, indicate it wishes to allocate more of its time to the open portion of the hearing. Neither party, however, shall be allotted more than fifteen (15) minutes during the closed session, or more than sixty (60) minutes total. Time not used during the open portion of the hearing may not be reserved for use during the closed portion.

Further, the parties are directed to refrain from including information designated as confidential in any demonstrative exhibit. During the portion of the hearing that is closed to the public, either party may direct the panel to specific confidential information being discussed by exhibit, page, and line number in the record.

It is so ORDERED.

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Patent 6,994,761 B2

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