

K-40 Electronics, LLC v. Escort, Inc.: Expunging Demonstrative Exhibits

Article By:

Intellectual Property Litigation Drinker Biddle

Takeaway: Demonstratives used at an oral hearing should not be duplicative of documents already in the record, and should not present new evidence or argument. Instead, they should be a visual aid to the party's presentation.

In its [Order](#), the Board expunged Patent Owner's demonstrative exhibits. Petitioner filed objections to certain Patent Owner demonstratives. Patent Owner stated that most of the demonstratives were duplicates of documents already in the record because it was unsure which materials it would be permitted to reference during oral argument, and that it may not rely on every page of the demonstratives.

The Board stated that for this proceeding, any document previously marked as an exhibit and entered into the record can be referred to or relied upon by either party at the hearing, therefore, any demonstratives duplicating such material would be redundant and unnecessary. Thus, the Board expunged the demonstratives. The Board continued by stating that demonstratives are intended to be a visual aid to the party's presentation, and cannot be used to present new evidence or arguments at the oral hearing. The Board authorized Patent Owner to re-file its demonstratives omitting any documents that are already in the record or that exceed the scope of a proper demonstrative exhibit.

***K-40 Electronics, LLC v. Escort, Inc.*, IPR2013-00203**

Paper 41: Order on Conduct of the Proceeding

Dated: June 16, 2014

Patent 7,999,721

Before: Glenn J. Perry, Thomas L. Giannetti, and Trenton A. Ward

Written by: Ward

© 2025 Faegre Drinker Biddle & Reath LLP. All Rights Reserved.

National Law Review, Volume IV, Number 171

Source URL: <https://natlawreview.com/article/k-40-electronics-llc-v-escort-inc-expunging->

[demonstrative-exhibits](#)