

**September 7, 2021 NYIPLA**

***Best Practices FAQs***

1. How can counsel best present their arguments during a virtual hearing?
2. What platforms are supported by the Board for virtual hearings (e.g., WebEx v. Zoom v. Teams)?
3. Are there specific system requirements to attend a hearing virtually (e.g., do you need a specific browser such as Chrome or Microsoft Edge installed)?
4. How can demonstratives (PowerPoint slides) be displayed to the panel during a virtual hearing?
5. Do the Judges want lead counsel on the video? Or can they be present via audio?
6. Is it possible for lead counsel to appear from a separate location by video? Is there a limit on the number of attorneys that can join by video?
7. May attorneys or staff who may be helping counsel with the argument be on the video conference during a virtual hearing such that they can see and hear the argument? Or is there some other option for viewing video available for anyone other than counsel presenting argument?
8. If there is confidential information that will be discussed during the hearing, how can counsel ensure that a public line is not open during the hearing?
9. How do you request access for in-house counsel or public members to the virtual hearing and how can you tell who is listening to the arguments?
10. Is a virtual hearing more casual than an in-person hearing?
11. Are parties given less time to present their case during a virtual hearing as compared to an in-person hearing? Are there any other differences to keep in mind?
12. Do the Judges prefer remote hearings over in-person hearings?

## **Ex-Parte Hearings**

13. Can you request a video hearing for an *ex parte* appeal? If so, when in the appeal process do you make this request? How?
14. When are in-person hearings going to resume?
15. Can counsel request a telephonic hearing for an AIA trial? If so, when in the trial process do you make this request? How?
16. If a party believes live witness testimony is crucial to their case, can counsel request authorization to file a motion for live testimony in the remote setup?
17. In an *ex parte* appeal, can counsel have the inventor answer questions during the virtual hearing?