

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ABB, INC.
Petitioner

v.

ROY-G-BIV CORPORATION
Patent Owner

Case IPR2013-00062¹
Case IPR2013-00274²

Before THOMAS L. GIANNETTI, BRYAN F. MOORE, and
JENNIFER S. BISK, Administrative Patent Judges.

GIANNETTI, *Administrative Patent Judge.*

ORDER
Trial Hearing
37 C.F.R. § 42.10

¹ Joined with IPR2013-00282.

² Joined with IPR2013-00286.

The Scheduling Orders in these proceedings set the date for oral hearing to January 23, 2014, if a hearing was requested by the parties and granted by the Board.

Both Petitioner and Patent Owner requested oral hearing pursuant to 37 C.F.R. § 42.70. The requests for oral hearing are *granted*. Each party will have one hour to present arguments.

ABB, Inc., as petitioner, bears the ultimate burden of proof that ROY-G-BIV Corporation's claims at issue in this review are unpatentable. Petitioner will open the hearing by presenting its case regarding the challenged claims for which the Board instituted trial. The Patent Owner will then respond to Petitioner's argument. Petitioner may reserve time to respond to arguments presented by the Patent Owner.

The hearing will commence at 1:00 PM, on January 23, 2014, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. The Board will provide a court reporter for the hearing and the reporter's transcript will constitute the official record of the hearing. There are no motions to seal in the present proceeding. Accordingly, the Board exercises its discretion to make the final hearing publically available via in-person attendance. The hearing will be open to the public for in-person attendance that will be accommodated on a first-come, first-served basis.

The parties are reminded that under 37 C.F.R. § 42.53(f)(7), a proponent of deposition testimony must file such testimony as an exhibit. The Board will not consider any deposition testimony that has not been so filed. Furthermore, under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served at least five business days before the hearing. The Board requests that such exhibits be filed at the Board at least five business days before the hearing. The parties must initiate a

Case IPR2013-00062, Patent 6,516,236

Case IPR2013-00074, Patent 8,073,557

conference call with the Board at least two business days before the hearing to present any objection regarding the propriety of any demonstrative exhibit. Any objection to demonstrative exhibits that is not timely presented will be considered waived.

The Board expects lead counsel for each party to be present in person at the oral hearing. However, any counsel of record may present the party's argument. If either party anticipates that its lead counsel will not be attending the oral argument, the parties should initiate a joint telephone conference with the Board no later than two business days prior to the oral hearing to discuss the matter.

Any special requests for audio visual equipment should be directed to Trials@uspto.gov.

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