

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SIPNET EU S.R.O.
Petitioner,

v.

STRAIGHT PATH IP GROUP, INC.
Patent Owner.

Case IPR2013-00246
Patent 6,108,704

Before KALYAN K. DESPHANDE, THOMAS L. GIANNETTI. And
TRENTON A. WARD, *Administrative Patent Judges.*

GIANNETTI, *Administrative Patent Judge.*

DECISION
REQUEST FOR ORAL ARGUMENT
37 C.F.R. § 42.70

The Scheduling Order for this case sets the date for oral hearing to
July 11, 2014, if a hearing is requested by the parties and granted by the Board.
Patent Owner has requested oral hearing pursuant to 37 C.F.R. § 42.70. Paper 41.

Patent Owner's request for oral hearing is *granted*. The cases will be heard on July 11, 2014. Each side will have 60 minutes to present argument.¹

Petitioner bears the ultimate burden of proof that Patent Owner's claims at issue are unpatentable. Therefore, Petitioner will open the hearing by presenting its case regarding the challenged claims for which the Board instituted trial. Patent Owner has not filed a motion to amend the claims. Therefore, after Petitioner's presentation, Patent Owner may respond to Petitioner's argument. Petitioner may reserve time to respond to arguments presented by the Patent Owner. There will be no sur-rebuttal by Patent Owner unless requested by the panel at the hearing.

The hearing will commence at 1:00 PM on July 11, 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. 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 date. The Board requests also that such exhibits be filed at the Board at least five business days before the hearing. The parties must file any objections to the demonstratives with the Board at least two business days before the hearing. Any objection to demonstrative exhibits that is not timely presented will be considered waived. The objections

¹ Petitioner did not request oral argument, but did file a List of Issues for Oral Argument. Paper 47.

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should identify with particularity which demonstratives are subject to objection, and include a short (one sentence or less) statement of the reason for each objection. No argument or further explanation is permitted. The Board will consider the objections and schedule a conference if deemed necessary.

Otherwise, the Board will reserve ruling on the objections until after the oral argument. The parties are directed to *St. Jude Medical, Cardiology Division, Inc. v. The Board of Regents of the University of Michigan*, IPR2013-00041 (PTAB January 27, 2014) (Paper 65), for guidance regarding the appropriate content of demonstrative exhibits.

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 expects 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. Requests for special equipment will not be honored unless presented in a separate communication not less than five days before the hearing directed to the above email address.

It is therefore

ORDERED that Patent Owner's Request for Oral Argument is granted.

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