

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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CONOPCO, INC. dba UNILEVER,  
Petitioner,

v.

THE PROCTOR & GAMBLE COMPANY,  
Patent Owner.

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Cases  
IPR2013-00505 (Patent 6,974,569 B2)  
IPR2013-00509 (Patent 6,451,300 B1)<sup>1</sup>

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Before LORA M. GREEN, GRACE KARAFFA OBERMANN, and  
RAMA G. ELLURU, *Administrative Patent Judges*.

GREEN, *Administrative Patent Judge*.

ORDER  
Trial Hearing  
37 C.F.R. § 42.70

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<sup>1</sup> This order addresses issues that are the same in both cases. We exercise our discretion to issue one order to be filed in each case. The parties, however, are not authorized to use this style heading in subsequent papers.

IPR2013-00505 (Patent 6,974,569 B2)

IPR2013-00509 (Patent 6,451,300 B1)

Petitioner and Patent Owner each requested oral hearing pursuant to 37 C.F.R. § 42.70. Papers 52 and 54.<sup>2</sup> The requests are *granted*. Oral arguments will commence at **9:00 AM** Eastern Time on **Wednesday, November 5, 2014**,<sup>3</sup> on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia.

Each party will have one hour of total time to present arguments. Petitioner bears the ultimate burden of proof that Patent Owner's claims at issue in these proceedings are unpatentable. Petitioner will, therefore, open the hearing by presenting its case regarding the challenged claims and grounds for which the Board instituted trial. Patent Owner will then respond to Petitioner's arguments. Petitioner may reserve time to respond to arguments presented by Patent Owner.

The hearing will be open to the public for in-person attendance that will be accommodated on a first-come, first-served basis. The Board will provide a court reporter, and the transcript shall constitute the official record of the hearing.

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 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

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<sup>2</sup> The Paper Numbers refer to the Paper Numbers in IPR2014-00505.

<sup>3</sup> Note that the Scheduling Order (Paper 10) stated that oral argument, if requested, would be held on Friday, November 7, 2014, two days later than set in this trial order.

IPR2013-00505 (Patent 6,974,569 B2)

IPR2013-00509 (Patent 6,451,300 B1)

objections 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. Any counsel of record, however, 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](mailto:Trials@uspto.gov).

Accordingly, it is

ORDERED that oral arguments in this proceeding shall take place beginning at **9:00 AM** Eastern Time on **Wednesday, November 5, 2014**, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria; and

FURTHER ORDERED that the parties are authorized to file objections to demonstrative exhibits no later than two business days before the hearing.

IPR2013-00505 (Patent 6,974,569 B2)

IPR2013-00509 (Patent 6,451,300 B1)

For Petitioner:

Joseph Meara

Michael Houston

Jeanne Gills

FOLEY & LARDNER LLP

[jmeara-PGP@foley.com](mailto:jmeara-PGP@foley.com)

[mhouston@foley.com](mailto:mhouston@foley.com)

[jmgills@foley.com](mailto:jmgills@foley.com)

For Patent Owner:

David Maiorana

John V. Biernacki

Michael Weinstein

JONES DAY

[dmaiorana@jonesday.com](mailto:dmaiorana@jonesday.com)

[jvbiernacki@jonesday.com](mailto:jvbiernacki@jonesday.com)

[trgoots@jonesday.com](mailto:trgoots@jonesday.com)

[msweinstein@jonesday.com](mailto:msweinstein@jonesday.com)

Steven Miller

Carl Roof

Angela Haughey

THE PROCTER & GAMBLE COMPANY

[miller.sw@pg.com](mailto:miller.sw@pg.com)

[roof.cj@pg.com](mailto:roof.cj@pg.com)

[haughey.a@pg.com](mailto:haughey.a@pg.com)