

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AKER BIOMARINE AS and
ENZYMOTEC LTD. and ENZYMOTEC USA, INC.,
Petitioner,

v.

NEPTUNE TECHNOLOGIES AND BIORESSOURCES INC.,
Patent Owner.

Case IPR2014-00003¹
Patent 8,278,351 B2

Before LORA M. GREEN, JACQUELINE WRIGHT BONILLA, and
SHERIDAN K. SNEDDEN, *Administrative Patent Judges*.

GREEN, *Administrative Patent Judge*.

ORDER
Trial Hearing
37 C.F.R. § 42.70

Patent Owner, Neptune Technologies and Bioresources Inc., and
Petitioners, Aker BioMarine AS, and Enzymotec Ltd. and Enzymotec USA,
Inc., requested oral hearing pursuant to 37 C.F.R. § 42.70. Papers 88 and

¹Case IPR2014-00556 has been joined with this proceeding.

91. The requests are *granted*. Oral arguments will commence at 10:00 AM Eastern Time on Friday, October 31, 2014, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia.

Petitioners and Patent Owner will each have sixty (60) minutes of total time to present arguments. Petitioners bear the ultimate burden of proof that Patent Owner's claims at issue in this review are unpatentable. Petitioners will, therefore, open the hearing by presenting their case regarding the challenged claims and grounds for which the Board instituted trial. Patent Owner will then respond to Petitioners' arguments. Petitioners 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 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

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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.

Accordingly, it is

ORDERED that oral arguments in this proceeding shall take place beginning at 10:00 AM Eastern Time on Friday, October 31, 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.

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For PATENT OWNER:

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