

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MEDTRONIC, INC. and MEDTRONIC VASCULAR, INC.,
Petitioner,

v.

ENDOTACH LLC,
Patent Owner.

Case IPR2014-00100
Patent 5,593,417

Before JACQUELINE WRIGHT BONILLA, MICHAEL J. FITZPATRICK, and
HYUN J. JUNG, *Administrative Patent Judges*.

BONILLA, *Administrative Patent Judge*.

ORDER
Trial Hearing
35 U.S.C. § 316(a)(10)

Petitioner, Medtronic, Inc. and Medtronic Vascular, Inc., and Patent Owner, Endotach LLC, each requested oral argument pursuant to 37 C.F.R. § 42.70(a). Papers 39 and 40. The requests are *granted*. The hearing will commence at 10:00 AM ET, on Thursday, November 20, 2014, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia.

Each party will have forty-five (45) minutes of total time to present arguments. Petitioner bears the ultimate burden of proof that Patent Owner's claims at issue in this review are unpatentable. Thus, Petitioner will open the hearing by presenting its case regarding the challenged claims and grounds for which the Board instituted trial. Patent Owner then will respond to Petitioner's arguments. Petitioner may reserve time to respond to arguments presented by Patent Owner.

Under 37 C.F.R. § 42.70(b), the parties shall serve any demonstrative exhibits upon each other at least five business days prior to the hearing. Demonstrative exhibits shall be filed at the Board two business days prior to the hearing, and the parties must initiate a conference call with the Board by two business days prior to the hearing to resolve any dispute over the propriety of each party's demonstrative exhibits. 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 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 reporter's transcript will constitute the official record of the hearing. The parties are reminded that each presenter must identify clearly and specifically each demonstrative exhibit, e.g., by slide or screen number, referenced

during the oral hearing to ensure the clarity and accuracy of the reporter's transcript.

The Board expects lead counsel for each party to be present at the hearing, although any counsel of record may make the presentation. If either party anticipates that its lead counsel will not attend 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.

Requests for audio-visual equipment are to be made 5 days in advance of the hearing date. The request is to be sent to Trials@uspto.gov. If the request is not received timely, the equipment may not be available on the day of the hearing.

Accordingly, it is

ORDERED that oral arguments in this proceeding shall take place beginning at 10:00 AM Eastern Time on Thursday, November 20, 2014, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria.

IPR2014-00100
Patent 5,593,417

PETITIONER:

Jack Barufka
barufka@pillsburylaw.com

Evan Finkel
evan.finkel@pillsburylaw.com

Ngai Zhang
ngai.zhang@pillsburylaw.com

PATENT OWNER:

Matthew Phillips
matthew.phillips@renaissanceiplaw.com

Brett Pinkus
pinkus@fsclaw.com