

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MEDTRONIC, INC., MEDTRONIC VASCULAR, INC., AND  
MEDTRONIC COREVALVE, LLC,  
Petitioner,

v.

TROY R. NORRED, M.D.,  
Patent Owner.

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Cases IPR2014-00110, -00111, -00395  
Patent 6,482,228 B1

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Before SHERIDAN K. SNEDDEN and MITCHELL G. WEATHERLY,  
*Administrative Patent Judges.*

WEATHERLY, *Administrative Patent Judge.*

ORDER  
Conduct of the Proceeding  
*37 C.F.R. § 42.5*

On January 23, 2015, a conference call was conducted in these proceedings before APJs Weatherly and Snedden to address objections raised by Patent Owner to Petitioner's demonstrative exhibits. Patent Owner requested the call via an email to the Board during the afternoon of January 22, 2015. Messrs. Kernell and Marcus represented Patent Owner and Mr. Barufka represented Petitioner. Minutes before the conference call, Patent

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Owner provided to us and counsel for Petitioner a summary of its objections indicating that it objected to 73 of 106 slides in Petitioner's demonstrative exhibits. Petitioner had no objections to Patent Owner's demonstrative exhibits.

We asked Patent Owner to present its single best objection from among the 73 presented in its summary. In response, Patent Owner argued that the title on slide number 7 of Petitioner's exhibits mischaracterized the testimony quoted below the title. We overruled Patent Owner's objection and informed the parties that the panel would give no evidentiary weight to argumentative characterizations of evidence such as those that appear in the title of any slide.

We declined to hear argument during the conference call in connection with Patent Owner's remaining objections. We instruct the parties to resolve between themselves any remaining objections in advance of the hearing. We will permit Patent Owner to raise at the outset of the hearing any remaining objections to the demonstrative exhibits, and we will rule upon those objections before the start of the argument. However, the time associated with hearing and ruling upon such objections will be charged to the Patent Owner.

We reminded the parties that the oral hearing is limited to "argument on an issue raised in a paper" and is not a vehicle for introducing new argument or evidence to the proceeding. 37 C.F.R. § 42.70(a); *see also* Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012) ("No new evidence or arguments may be presented at the oral argument."). We also advise the parties that, at the oral hearing, we will

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either stop a party who advances new evidence or arguments or disregard that new evidence or argument in rendering our final decision.

Accordingly, it is ORDERED that:

Patent Owner's objections to slide no. 7 in the demonstrative exhibits served by Petitioner are overruled;

Patent Owner may present argument at the start of the oral hearing relating to any unresolved objections presented via e-mail on January 23, 2015, with the time required to address each objection charged to the Patent Owner.

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PETITIONER:

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