

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

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

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

Before MITCHELL G. WEATHERLY, *Administrative Patent Judge*.

ORDER
Trial Hearing
37 C.F.R. § 42.70

Inter partes reviews IPR2014-00110, -00111, and -00395 relating to U.S. Patent No. 6,482,228 B1 (“the ’228 patent”) were instituted on April 25, 2014, for IPR2014-00110 and -00111 (Paper 10 in both proceedings) and June 27, 2014, for IPR2014-00395 (Paper 13). A Revised Scheduling Order for all three cases was issued on October 29, 2014, which set the date for oral hearing to January 27, 2015, if a hearing were requested by the parties and granted by the Board. Paper 28 (IPR2014-00110 and -00111); Paper 20 (IPR2014-00395).

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Both parties have requested oral hearing pursuant to 37 C.F.R. § 42.70. E.g., Papers 36 and 38 (IPR2014-00110). Petitioner's and Patent Owner's requests for oral hearing are *granted*. Each party will have one hour to present arguments.

Petitioner bears the ultimate burden of proof that Patent Owner's claims at issue in this review are unpatentable. Patent Owner bears the burden of proof with respect to its motions to amend (Papers 18 in IPR2014-00110 and -00111; Paper 17 in IPR2014-00395). Petitioner will open the hearing by presenting its case regarding the challenged claims for which the Board instituted trial. Patent Owner will then respond to Petitioner's argument and also argue in support of its motion to amend claims. Each party may reserve time to respond to arguments presented by the other party with some limitations. More specifically, to the extent that Petitioner reserves time, it may respond to Patent Owner's presentation on all matters. To the extent that Patent Owner reserves time, it may respond to Petitioner's arguments opposing the motion to amend claims.

The hearing will commence at 2:00 P.M., on January 27, 2015, 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.

Under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served at least five business days before the hearing and filed at the Board at least two business days before the hearing. The parties must initiate a conference call with the Board at least two business days before the hearing to present any

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objection regarding the propriety of any demonstrative exhibit. Any objection to demonstrative exhibits that is not timely presented will be considered waived.

Requests for audio-visual equipment are to be made no later than five 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.

The Board expects lead counsel for each party to be present in person at the oral hearing. However, lead or backup counsel 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.

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