

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GREENE'S ENERGY GROUP, LLC,
Petitioner,

v.

OIL STATES ENERGY SERVICES, LLC,
Patent Owner.

Case IPR2014-00216 (Patent 6,179,053 B1)
Case IPR2014-00364 (Patent 6,289,993 B1)

SCOTT E. KAMHOLZ, *Administrative Patent Judge.*

ORDER
Trial Hearing
37 C.F.R. § 42.70

IPR2014-00216 (Patent 6,179,053 B1)

IPR2014-00364 (Patent 6,289,993 B1)

Petitioner and Patent Owner request oral argument in both of the captioned cases.

Oral arguments in the two cases will be consolidated into one hearing that will commence at 1:30 pm Eastern Time on February 11, 2015, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. Each party will have ninety minutes' total time to present arguments. The cases will be argued sequentially starting with case IPR2014-00216. Once both parties have had an opportunity to present all of their arguments as to that case, as well as arguments germane to both cases, the hearing will proceed to case IPR2014-00364, during which time the parties may present arguments specific to that case. Each party may allocate its time between the cases as it wishes.

Petitioner ultimately bears the burden of proof that Patent Owner's patented claims are unpatentable. Patent Owner bears the burden of showing that its proposed substitute claims are patentable.

For case IPR2016-00216, Petitioner will open the hearing by presenting its arguments regarding the challenged claims for which the Board instituted trial. Patent Owner will then respond to Petitioner's arguments and will also present its arguments concerning the Motion to Amend Claims. Petitioner may reserve rebuttal time to respond to arguments presented by Patent Owner. Patent Owner may reserve rebuttal time, but Patent Owner's rebuttal is limited to responding to Petitioner's arguments concerning the Motion to Amend.

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For case IPR2014-00364, Petitioner will open by presenting its arguments regarding the challenged claims for which the Board instituted trial. Patent Owner will then respond to Petitioner's arguments. Petitioner may reserve rebuttal time to respond to arguments presented by Patent Owner. Patent Owner may not reserve rebuttal time.

The Board will provide a court reporter for the hearing, and the reporter's transcript will constitute the official record of the hearing. Although certain papers and exhibits have been sealed in case IPR2014-00216, the Board exercises its discretion to make the hearing open to the public via in-person attendance. 37 C.F.R. § 42.14. Attendance by the public will be accommodated on a first-come, first-served basis. Space is limited in the hearing room, and seating for anyone other than counsel of record cannot be assured.

Under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served at least five business days before the hearing and filed no later than the time of the hearing. The Board requests that such exhibits be filed at the Board at least five business days before the hearing. The parties are directed to *St. Jude Medical, Cardiology Division, Inc. v. The Board of Regents of the University of Michigan*, IPR2013-00041, Paper 65 (PTAB Jan. 27, 2014), for guidance regarding the appropriate content of demonstrative exhibits.

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

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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 Board asks the parties to confine demonstrative exhibit objections to those identifying egregious violations that are prejudicial to the administration of justice.

The parties are reminded that, during the hearing, the presenter must identify clearly and specifically each demonstrative exhibit (e.g., by slide or screen number) referenced to ensure the clarity and accuracy of the reporter's transcript.

The Board expects lead counsel for each party to be present in person at the hearing. If a 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 counsel of record, however, may present the party's argument. A party's argument may be divided, but interruptions for change of counsel should be kept to a minimum.

The parties are reminded to direct their requests for audio-visual equipment to Trials@uspto.gov. Requests for special equipment will not be honored unless presented in a separate communication directed to the above email address not later than five days before the hearing. If the request is

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not received timely, the equipment may not be available on the day of the hearing.

Accordingly, it is

ORDERED that oral argument in the cases listed in the caption of this order shall take place beginning at 1:30 pm Eastern Time on February 11, 2015, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria.

PETITIONER:

John J. Feldhaus
Andrew R. Cheslock
FOLEY & LARDNER LLP

PATENT OWNER:

C. Erik Hawes
Archis V. Ozarkar
NORGAN, LEWIS & BOCKIUS LLP