

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HYDRITE CHEMICAL CO.,
Petitioner,

v.

SOLENIS TECHNOLOGIES, L.P.,
Patent Owner.

Cases IPR2015-01586
Patent 8,841,469 B2

Case IPR2015-01592
Patent 8,962,059 B1¹

Before ERICA A. FRANKLIN, DONNA M. PRAISS, and
JENNIFER MEYER CHAGNON, *Administrative Patent Judges*.

PRAISS, *Administrative Patent Judge*.

ORDER
Trial Hearing
37 C.F.R. § 42.70

¹ This order addresses similar issues in both cases; therefore, we issue a single order to be entered in each case. The parties may not use this style heading in their papers without prior authorization.

IPR2015-01586 (Patent 8,841,469 B2)

IPR2015-01592 (Patent 8,962,059 B1)

Patent Owner requested oral hearing in these proceedings pursuant to 37 C.F.R. § 42.70. Paper 26 (IPR2015-01586); Paper 27 (IPR2015-01592). Upon consideration, the requests for oral hearing are granted.

Oral argument shall commence at 9:00 AM Eastern Daylight Time on September 13, 2016, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia, and it will be open to the public for in-person attendance. In-person attendance will be accommodated on a first-come, first-served basis.

The patents at issue in these *inter partes* reviews are directed to similar subject matter and are challenged on similar grounds by the same Petitioner. The Board, therefore, exercises its discretion to consolidate the oral hearings in these cases.

Petitioner shall have one hour total time to present arguments, and may divide the time between the cases as it wishes. Patent Owner shall have one hour of total time to respond to Petitioner, and may divide its time among the cases as it wishes.

Petitioner bears the ultimate burden of proof that Patent Owner's claims at issue are unpatentable. Therefore, 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 arguments. Petitioner may reserve rebuttal time to respond to arguments presented by Patent Owner.

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, if any, must be served no later than seven (7) business days before the hearing. The parties shall also provide a courtesy

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copy of any demonstrative exhibits to the Board no later than three business days before the hearing by emailing them to Trials@uspto.gov.

Notwithstanding 37 C.F.R. § 42.70(b), the parties shall not file any demonstrative exhibits in these proceedings without prior authorization from the Board. The parties are directed to *St. Jude Medical, Cardiology Division, Inc. v. The Board of Regents of the University of Michigan*, Case IPR2013-00041 (PTAB Jan. 27, 2014) (Paper 65), for guidance regarding the appropriate content of demonstrative exhibits. *See also CBS Interactive Inc. v. Helferich Patent Licensing, LLC*, Case IPR2013-00033 (PTAB Oct. 23, 2013) (Paper 118) (The Board has discretion to limit the parties' demonstratives to pages in the record should there be no easy resolution to objections over demonstratives.).

The Board expects that the parties will meet and confer in good faith to resolve any objections to demonstrative exhibits, but if such objections cannot be resolved, the parties may file any objections to demonstratives with the Board at least two business days before the hearing. The objections should identify with particularity which portions of the demonstrative exhibits are subject to objection, include a copy of the objected-to portions, and include a one-sentence statement of the reason for each objection. No argument or further explanation is permitted. The Board will consider any objections and schedule a conference call if deemed necessary. Otherwise, the Board will reserve ruling on the objections. Any objection to demonstrative exhibits that is not timely presented will be considered waived. A hard copy of the demonstratives should be provided to the court reporter at the hearing.

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Questions regarding specific audio-visual equipment should be directed to the Board at 571-272-9797. Requests for audio-visual equipment are to be made no later than five (5) days in advance of the hearing date. The request is to be sent directly to Trials@uspto.gov. If the request is not received timely, the equipment may not be available on the day of the hearing. The parties are reminded that the presenter must identify clearly and specifically each demonstrative exhibit (e.g., by slide or screen number) referenced during the hearing to ensure the clarity and accuracy of the reporter's transcript.

The parties also should note that at least one member of the panel will be attending the hearing electronically from a remote location, and that if a demonstrative is not filed or otherwise made fully available or visible to the judge(s) participating in the hearing remotely, that demonstrative will not be considered. If the parties have questions as to whether demonstrative exhibits would be sufficiently visible to all of the judges, the parties are invited to contact the Board at 571-272-9797. Documents presented on the Elmo projector are not visible to remote judges, so please plan accordingly.

The Board expects lead counsel for each party to be present in person at the oral hearing. However, any counsel of record 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 (2) business days prior to the oral hearing to discuss the matter.

In light of the foregoing, it is:

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ORDERED that oral hearing, conducted pursuant to the procedures outlined above, shall commence at 9:00 AM Eastern Daylight Time on September 13, 2016, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia.

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