

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

H&S MANUFACTURING COMPANY, INC.,
Petitioner,

v.

OXBO INTERNATIONAL CORPORATION,
Patent Owner.

Case IPR2016-00950
Patent 8,166,739 B2

Before PHILLIP J. KAUFFMAN, JAMES A. TARTAL, and
KEVIN W. CHERRY, *Administrative Patent Judges*.

TARTAL, *Administrative Patent Judge*.

ORDER

Granting Requests for Oral Hearing
37 C.F.R. § 42.70

The date set for oral hearing in this proceeding is August 1, 2017, if hearing is requested by either party and granted by the Board. Paper 8. Both parties request oral hearing. Papers 34, 36. The requests are *granted*.

Each party will have forty-five (45) minutes, total, to present its argument. Petitioner bears the ultimate burden of proof that Patent Owner's claims at issue in this *inter partes* review are unpatentable. Accordingly, Petitioner will open the hearing by presenting its case with regard to the challenged claims and grounds for which we instituted trial. After Petitioner's presentation, Patent Owner will argue its opposition to Petitioner's case. Petitioner may reserve time to rebut arguments presented by Patent Owner.

The oral hearing will commence at 1:30 PM Eastern Time on Tuesday, August 1, 2017, on the ninth floor of the Madison Building East, 600 Dulany Street, Alexandria, Virginia. The oral hearing will be open to the public for in-person attendance on a first-come, first-served basis. The Board will provide a court reporter for the oral hearing and the court reporter's transcript will constitute the official record of the oral hearing.

Demonstrative exhibits in this proceeding are not evidence and are intended only to assist the parties in presenting their oral argument to the Board. Under 37 C.F.R. § 42.70(b), demonstrative exhibits shall be served on opposing counsel at least seven (7) business days before the oral hearing, and filed as an exhibit no later than the time of the oral hearing. The parties also shall provide a courtesy copy of any demonstrative exhibits to the Board at least three (3) business days prior to the oral hearing by emailing the exhibits to Trials@uspto.gov. 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, 2015) (Paper 65), for guidance regarding the appropriate content of demonstrative exhibits, which must include citations to the record.

The parties shall meet and confer in good faith to resolve any objections to demonstrative exhibits, but if such objections cannot be resolved, a party may file objections to demonstratives with the Board at least three (3) business days before the oral hearing. The objections shall identify with particularity the portions of each demonstrative exhibit subject to objection, include a copy of the objected-to portions, and include a one sentence statement of the reason for each objection. No further argument or explanation is permitted. We will consider the objections and schedule a conference call if deemed necessary. Otherwise, we will reserve ruling on the objections until after the oral hearing.

We expect 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 lead counsel for a party will not be attending the oral hearing, the Board shall be advised by email no later than two (2) business days prior to the oral hearing, and such lead counsel shall be available for a conference call if necessary.

Requests for audio-visual equipment for the oral hearing shall be made not less than five (5) days before the oral hearing and shall be directed to Trials@uspto.gov. If requests are not received timely, equipment may not be available on the day of the oral hearing. Questions regarding audio-visual equipment for the oral hearing may be directed to the Board at (571) 272-9797.

IPR2016-00950
Patent 8,166,739 B2

PETITIONER

Brad Pedersen
Eric Chadwick
Michael Gates
PATTERSON THUENTE PEDERSEN, P.A.
pedersen@ptslaw.com
chadwick@ptslaw.com
gates@ptslaw.com

PATENT OWNER

Andrew Lagatta
Gregory Sebald
MERCHANT & GOULD, P.C.
alagatta@merchantgould.com
gsebald@merchantgould.com