

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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H&S MANUFACTURING COMPANY, INC.,  
Petitioner,

v.

OXBO INTERNATIONAL CORPORATION,  
Patent Owner.

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Case IPR2016-00950  
Patent 8,166,739 B2

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

TARTAL, *Administrative Patent Judge*.

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

A conference call was held on July 20, 2017, between respective counsel for Petitioner, H&S Manufacturing Company, Inc., Patent Owner, Oxbo International Corporation, and Judges Kauffman, Tartal, and Cherry. Petitioner requests authorization to file: (1) a portion of a district court order concerning motions *in limine* previously submitted as Exhibit 1027 that was expunged as an unauthorized filing, and (2) a jury verdict form previously submitted as Exhibit 1028 that was expunged as an unauthorized filing, both of which issued in *Oxbo Int'l Corp. v. H&S Mfg. Co., Inc.*, 3:15-cv-00292-jdp.

Petitioner contended that the documents reflect the status of the proceeding in district court concerning the patent at issue. Patent Owner opposed Petitioner's request on the grounds that the documents, as presented, may be incomplete, are irrelevant, and are unnecessary to this proceeding. If relief is granted, Patent Owner also requested authorization to file a jury verdict form concerning liability previously submitted as Exhibit 2021 that was expunged as an unauthorized filing, which Patent Owner also suggested was submitted as responsive to our requirements for mandatory disclosures. Patent Owner indicated no additional grounds for why inclusion of the documents in the record would be prejudicial. The parties also stipulated to an extension of the date for exchanging demonstratives to July 24, 2017, pending issuance of this order.

Our understanding is that the district court documents could not have been brought to our attention earlier in briefing and, as public records of the district court, are informative at least as to the status of issues before the district court that are related to the patent at issue in this proceeding. We

take no view at this time of whether the documents at issue are relevant to this proceeding beyond reflecting the status of the district court case.

Accordingly, Petitioner and Patent Owner are authorized to file complete copies of the documents identified above as exhibits under the next available exhibit numbers. Prior to filing the exhibits the parties are to meet and confer to agree upon the content of each exhibit to assure it is a complete copy of the document in the records of the district court.

For the foregoing reasons, it is hereby:

ORDERED that Petitioner is authorized to file as an exhibit: (1) the complete district court order concerning motions *in limine*, and (2) the complete jury verdict form for damages issued in *Oxbo Int'l Corp. v. H&S Mfg. Co., Inc.*, 3:15-cv-00292-jdp, to be filed no later than July 25, 2017;

FURTHER ORDERED that Patent Owner is authorized to file the complete jury verdict form for liability issued in *Oxbo Int'l Corp. v. H&S Mfg. Co., Inc.*, 3:15-cv-00292-jdp, to be filed no later than July 25, 2017;

FURTHER ORDERED that no other document is authorized to be filed as an exhibit as supplemental authority; and

FURTHER ORDERED that demonstratives for the oral hearing shall be exchanged between the parties no later than July 24, 2017.

IPR2016-00950  
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PETITIONER

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