

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TALARI NETWORKS, INC.,
Petitioner,

v.

FATPIPE NETWORKS INDIA LIMITED,
Patent Owner.

Case IPR2016-00976 Patent 6,775,235 B2
Case IPR2016-00977 Patent 7,406,048 B2

Before STACEY G. WHITE, MICHELLE N. WORMMEESTER, and
CHRISTA P. ZADO, *Administrative Patent Judges*.

WHITE, *Administrative Patent Judge*.

ORDER
Requests for Oral Argument
37 C.F.R. § 42.70

IPR2016-00976 Patent 6,775,235 B2

IPR2016-00977 Patent 7,406,048 B2

The most recent Scheduling Orders (IPR2016-00976, Paper 21; IPR2016-00977, Paper 21) for these proceedings provided that an oral hearing would be conducted on June 26, 2017, if a hearing is requested by the parties and granted by the Board. The parties requested oral hearing for these proceedings pursuant to 37 C.F.R. § 42.70. IPR2016-00976, Papers 27, 28; IPR2016-00977, Papers 27, 28. Counsel for Patent Owner requested that we reschedule the hearing date due to a conflict. A conference call to discuss Patent Owner's request was held on May 19, 2017. After that call, the parties met and conferred and provided alternative dates to the Board. We grant the parties' requests for oral hearing, and we grant Patent Owner's request to reschedule the hearing.

Please note the time and location of the hearing. The consolidated hearing will commence at **10:00 AM Pacific Time** on **August 14, 2017**, on the **3rd floor of the USPTO's West Coast Regional Office, 26 South 4th Street, San Jose, California**. 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. If the parties have any concern about disclosing confidential information, they are to contact the Board at least 10 days in advance of the hearing to discuss the matter.

Each party will have ninety (90) minutes of total oral argument time. Petitioner bears the ultimate burden of proof that Patent Owner's claims at issue in this review are unpatentable. Therefore, Petitioner will open the hearing by presenting its case regarding the challenged claims for which the Board instituted trial. After Petitioner's presentation, Patent Owner will respond to Petitioner's argument. Petitioner may reserve rebuttal time to respond to arguments presented by Patent Owner.

IPR2016-00976 Patent 6,775,235 B2

IPR2016-00977 Patent 7,406,048 B2

The parties are reminded that under 37 C.F.R. § 42.53(f)(7), a proponent of deposition testimony must file such testimony as an exhibit. The Board will not consider any deposition testimony that has not been so filed. Furthermore, under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served at least seven business days before the hearing date. The parties also shall provide a courtesy copy of any demonstrative exhibits to the Board at least five business days prior to the hearing by emailing them to Trials@uspto.gov. The parties shall *not* file any demonstrative exhibits in this proceeding without prior authorization from the Board.

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 presented timely will be considered waived. The objections should identify with particularity which 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 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. No live testimony from any witness will be taken at the oral argument. Any counsel of record may present the party's argument.

Any special requests for audiovisual equipment should be directed to Trials@uspto.gov. Requests for special equipment will not be honored unless presented in a separate communication **not less than seven business days** before the hearing, directed to the above email address.

IPR2016-00976 Patent 6,775,235 B2

IPR2016-00977 Patent 7,406,048 B2

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