

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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EMERSON ELECTRIC CO.,  
Petitioner,

v.

SIPCO, LLC,  
Patent Owner.

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Case IPR2017-00216  
Patent 8,013,732 B2

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Before LYNNE E. PETTIGREW, STACEY G. WHITE, and  
CHRISTA P. ZADO, *Administrative Patent Judges*.

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WHITE, *Administrative Patent Judge*.

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

The Scheduling Order (Paper 9) for this proceeding provided that an oral hearing would be conducted on February 5, 2018, if the hearing is requested by the parties and granted by the Board. Petitioner and Patent requested oral hearing pursuant to 37 C.F.R. § 42.70. Papers 37, 38. The requests for oral hearing are *granted*.

**Please note the time and location of the hearing.** The hearing will commence at 1:00 PM on February 5, 2018, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. 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 forty-five (45) 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.

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](mailto: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.

The Board expects lead counsel for the parties to be present in person at the oral hearing. Any counsel of record, however, may present the party's argument. If either party expects that its lead counsel will not be attending the oral argument, it 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 special requests for audiovisual equipment should be directed to [Trials@uspto.gov](mailto: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.

IPR2017-00216  
Patent 8,013,732 B2

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