

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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TECHNICAL CONSUMER PRODUCTS, INC., NICOR INC.,  
and AMAX LIGHTING,  
Petitioner,

v.

LIGHTING SCIENCE GROUP CORP.,  
Patent Owner.

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Case IPR2017-01280 (Patent 8,967,844 B2)  
Case IPR2017-01285 (Patent 8,672,518 B2)  
Case IPR2017-01287 (Patent 8,201,968 B2)<sup>1, 2</sup>

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Before KEVIN F. TURNER, PATRICK M. BOUCHER, and  
JOHN A. HUDALLA, *Administrative Patent Judges*.

TURNER, *Administrative Patent Judge*.

ORDER  
Trial Hearing  
37 C.F.R. § 42.70

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<sup>1</sup> This Order pertains to all of these cases. Therefore, we exercise our discretion to issue a single Order to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

<sup>2</sup> Additional proceedings are joined herewith, as discussed below.

IPR2017-01280 (Patent 8,967,844 B2)  
IPR2017-01285 (Patent 8,672,518 B2)  
IPR2017-01287 (Patent 8,201,968 B2)

On November 1, 2017, we entered Decisions to Institute trials in proceedings IPR2017-01280, IPR2017-01285, and IPR2017-01287 with respect to Petitioner Technical Consumer Products, Inc., Nicor Inc., and Amax Lighting (“TCP”). Papers 10. A joint Scheduling Order for those proceedings set the date for oral hearing, if requested by either party, as July 26, 2018. Papers 11.

Subsequently, additional Petitioners, namely Jiawei Technology (HK) Ltd., Jiawei Technology (USA) Ltd., and Shenzhen Jiawei Photovoltaic Lighting Co., Ltd. (collectively, “Jiawei”) and Leedarson Lighting Co., Ltd., and Leedarson America, Inc. (collectively, “Leedarson”), requested institutions of *inter partes* review, based on the same or similar petitions, as well as joinder with the previously instituted proceedings. We instituted trials on the additional petitions and joined those new proceedings, according the table below:

<b>Proceeding</b>	<b>Petitioner</b>	<b>Patent</b>	<b>Joined with</b>	<b>Paper</b>
IPR2018-00261	Jiawei	8,967,844 B2	IPR2017-01280	19
IPR2018-00262	Jiawei	8,672,518 B2	IPR2017-01285	22
IPR2018-00263	Jiawei	8,201,968 B2	IPR2017-01287	22
IPR2018-00269	Leedarson	8,201,968 B2	IPR2017-01287	23
IPR2018-00270	Leedarson	8,672,518 B2	IPR2017-01285	23
IPR2018-00271	Leedarson	8,967,844 B2	IPR2017-01280	20

As discussed in the decisions instituting trial and joining with the existing proceedings, we consigned both later Petitioners to an “understudy role,” providing that the later Petitioners will be provided argument time

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only at the acquiescence of and within the time limits that would normally be given to TCP.

Pursuant to 37 C.F.R. § 42.70, Petitioners and Patent Owner have requested an oral hearing in the cited proceedings. Papers 24, 25 (IPR2017-01280); Papers 23, 24 (IPR2017-01285); Papers 20, 21 (IPR2017-01287). Petitioners requested a consolidated oral hearing to cover all three proceedings. Petitioners' and Patent Owner's requests for oral hearing in all three proceedings are *granted*, in the form of a consolidated hearing.

The oral arguments for all three cases will be heard on the same day and location, namely on **August 20, 2018** on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia.<sup>3</sup> The hearing will commence at **1:00 PM** in Hearing Room "A." In person attendance 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 five (5) business days in advance of the hearings to discuss the matter.

Each party will have sixty (60) minutes of total time to present arguments for the three cases. Petitioner bears the ultimate burden of proof that the claims at issue are unpatentable. Therefore, Petitioner will proceed first to present its case with regard to the challenged claims and grounds on which we instituted trial, or that were later introduced. Patent Owner then will argue its opposition to Petitioner's case. Petitioner may reserve rebuttal

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<sup>3</sup> The panel has changed the hearing date from July 26, 2018, to August 20, 2018, due to a scheduling conflict.

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time. The Board will provide a court reporter for the hearing and the reporter's transcript will constitute the official record of the hearing.

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, pursuant to 37 C.F.R. § 42.70(b), demonstrative exhibits must be served at least five (5) business days before the hearing. The parties shall provide a courtesy copy of any demonstrative exhibits to the Board at least three (3) business days prior to the hearing by emailing them to [Trials@uspto.gov](mailto:Trials@uspto.gov). The demonstrative exhibits in these cases are not evidence and are intended only to assist the parties in presenting their oral argument to the Board.

The parties must, however, file any objections to the demonstratives with the Board at least three (3) business days before the hearing. Any objection to the 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*, IPR2013-00041 (PTAB January 27,

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2014) (Paper 65), for guidance regarding the appropriate content of demonstrative exhibits.

The Board expects lead counsel for each party to be present at oral hearing, although any backup counsel may make the actual presentation, in whole or in part. If lead counsel for either party will not be in attendance at oral hearing, the Board should be notified via a joint telephone conference call no later than three (3) business days prior to the oral hearing to discuss the matter.

Any special requests for audio visual 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 five (5) business days before the hearing directed to the above email address.

At least one judge will be participating remotely via a videoconferencing device and will not be able to view the projection screen in the hearing room. 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 avoid confusion, and to ensure the clarity and accuracy of the reporter's transcript.

Accordingly, it is

ORDERED that Due Date 7 (Papers 11) is reset to August 20, 2018.

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