

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RIMFROST AS,
Petitioner,

v.

AKER BIOMARINE ANTARCTIC AS,
Patent Owner.

IPR2018-01178
IPR2018-01179
Patent 9,375,453 B2

Before ERICA A. FRANKLIN, TINA E. HULSE, and
JOHN E. SCHNEIDER, *Administrative Patent Judges*.

FRANKLIN, *Administrative Patent Judge*.

ORDER
Oral Hearing
37 C.F.R. § 42.70

In each of the above-captioned cases, Petitioner and Patent Owner have requested an oral hearing pursuant to 37 C.F.R. § 42.70. Papers 26 and 27. The requests are granted, as specified in this Order. Oral arguments will commence at **10:00 AM Pacific Time on Wednesday, October 16, 2019**, in the Silicon Valley USPTO Hearing Room at 26 South Fourth Street, San Jose, California 95113.

Each side will have sixty (60) minutes to present arguments. Petitioner will proceed first to present its case with regard to the claims and grounds on which trial was instituted. Petitioner may reserve no more than half of its time for rebuttal. Thereafter, Patent Owner may respond to Petitioner's case, address its Motion to Amend, and may reserve some of its time for sur-rebuttal. Petitioner then may use any of its remaining time for rebuttal regarding the challenged claims and opposition to Patent Owner's Motion to Amend. Patent Owner may then present a brief sur-rebuttal, if requested.

The hearing will be open to the public for in-person attendance that will be accommodated on a first-come, first-served basis. The Board will provide a court reporter, and the transcript shall constitute the official record of the hearing.

As set forth in 37 C.F.R. § 42.70(b), demonstrative exhibits must be served at least seven (7) business days before the hearing. The parties shall provide the demonstrative exhibits to the Board at least two business days prior to the hearing by emailing them to Trials@uspto.gov. The parties shall not file any demonstrative exhibits in this case without prior authorization

from the Board. A hard copy of the demonstratives should be provided to the court reporter at the hearing.

The parties are directed to *St. Jude Medical, Cardiology Division, Inc. v. The Board of Regents of the University of Michigan*, IPR2013-00041 (PTAB Jan. 27, 2014) (Paper 65), regarding the appropriate content of demonstrative exhibits. The Board expects that the parties will meet and confer in good faith to resolve any objections to demonstrative exhibits, but if such objections cannot be resolved the parties may file any objections to demonstratives with the Board at least two business days before the hearing. The objections should identify with particularity which portions of the demonstrative exhibits are subject to objection, include a copy of the objected-to portions, and include a one-sentence statement of the reason for each objection. No argument or further explanation is permitted. The Board will consider any objections and schedule a conference call if deemed necessary. Otherwise, the Board will reserve ruling on the objections. Any objection to demonstrative exhibits that is not timely presented will be considered waived.

The parties are informed that two members of the panel will attend the hearing electronically from a remote location and may not be able to view the projection screen in the hearing room. Any demonstrative exhibit that cannot be made available or visible to the judge(s) presiding remotely should not be presented during the hearing. Counsel must identify clearly and specifically each demonstrative exhibit (e.g., by slide or screen number) referenced during the hearing to ensure the clarity and accuracy of the

reporter's transcript and for the benefit of the judges presiding over the hearing remotely.

The Board expects 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 as long as that counsel is present in person. If either party expects that its lead counsel will not be attending the oral argument, the parties should initiate a joint telephone conference with the Board no later than two (2) business days prior to the oral hearing to discuss the matter.

A party may request remote video attendance for one or more of its other attendees to view the hearing from another USPTO location. The available locations include the Madison Building in Alexandria, Virginia; the Texas Regional Office in Dallas, Texas; the Rocky Mountain Regional Office in Denver, Colorado; and the Elijah J. McCoy Midwest Regional Office in Detroit, Michigan. To request remote video viewing, a party must send an email message to Trials@uspto.gov ten business days prior to the hearing, indicating the requested location and the number planning to view the hearing from the remote location. The Board will notify the parties if the request for video viewing is granted. Note that it may not be possible to grant the request due to the availability of resources.

Any special requests for audio-visual equipment should be directed to Trials@uspto.gov. A party may also indicate any special requests related to appearing at an in-person oral hearing, such as a request to accommodate physical needs that limit mobility or visual or hearing impairments, and indicate how the PTAB may accommodate the special request. Any special

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requests must be presented in a separate communication not less than five (5) days before the hearing.

Accordingly, it is:

ORDERED that the parties' requests for oral hearings are granted subject to the conditions set forth in this Order; and

FURTHER ORDERED that oral hearings, conducted pursuant to the procedures outlined above, shall commence at 10:00 AM Pacific Time on Wednesday, October 16, 2019.

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