

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

THE UNITED STATES POSTAL SERVICE (USPS) AND
THE UNITED STATES OF AMERICA,
AS REPRESENTED BY THE POSTMASTER GENERAL,
Petitioner,

v.

RETURN MAIL, INC.,
Patent Owner.

CBM2014-00116
Patent 6,826,548 B2

Before BARBARA A. BENOIT, KEVIN F. TURNER, and
JO-ANNE M. KOKOSKI, *Administrative Patent Judges*.

TURNER, *Administrative Patent Judge*

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

The Scheduling Order (Paper 12) for this proceeding provided that an oral hearing would be conducted if the hearing is requested by the parties and granted by the Board. Patent Owner and Petitioner requested oral hearing pursuant to 37 C.F.R. § 42.70. Papers 27, 29. The requests are *granted*.

Each side will have sixty (60) minutes of total time to present argument for this proceeding. Petitioner bears the ultimate burden of proof that Patent Owner's claims at issue are unpatentable. Thus, Petitioner will open the hearing by presenting its case regarding the challenged claims for which we instituted trial. Petitioner may reserve some of its argument time for rebuttal. Thereafter, Patent Owner will respond to Petitioner's presentation.

The hearing will commence at 1:00 PM on May 12, 2015, 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 and will be entered in the record of each proceeding. The hearing will be open to the public for in-person attendance that will be accommodated on a first-come, first-served basis.

Furthermore, under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served at least five business days before the hearing date. Barring any objections to the demonstratives by the opposing party, the parties are authorized to file any demonstrative exhibits in this proceeding in PRPS three business days prior to the oral hearing date. The parties also should note that one or more members of the panel will be attending the hearing electronically from a remote location 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.

If there are objections to the demonstratives, the party raising the objections must communicate those objections via email to Trials@uspto.gov. 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 at or 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. *See also CBS Interactive Inc. v. Helferich Patent Licensing, LLC*, Case IPR2013-00033 (PTAB Oct. 23, 2013) (Paper 118) (The Board has the discretion to limit the parties' demonstratives to pages in the record should there be no easy resolution to objections over demonstratives.).

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. 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 business days prior to the oral hearing to discuss the matter.

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 five days before the hearing, directed to the above email address.

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