

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Corning Incorporated
Petitioner

v.

DSM IP Assets B.V.
Patent Owner

Case IPR2013-00043 (Patent 7,171,103)
Case IPR2013-00044 (Patent 6,961,508)
Case IPR2013-00045 (Patent 6,339,666)
Case IPR2013-00046 (Patent 6,110,593)
Case IPR2013-00047 (Patent 6,438,306)
Case IPR2013-00048 (Patent 6,298,189)
Case IPR2013-00049 (Patent 6,298,189)
Case IPR2013-00050 (Patent 6,323,255)
Case IPR2013-00052 (Patent 7,276,543)
Case IPR2013-00053 (Patent 7,276,543)¹

Before FRED. E. McKELVEY, GRACE KARAFFA OBERMANN,
JENNIFER S. BISK, SCOTT E. KAMHOLZ, and ZHENYU YANG
Administrative Patent Judges.

OBERMANN, *Administrative Patent Judge.*

¹ This Order addresses issues that are identical in the ten cases. We therefore exercise our discretion to issue one Decision to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

ORDER
CONDUCT OF PROCEEDING
On Corning's Objections to DSM's Demonstrative Evidence
37 C.F.R. § 42.70

A consolidated final hearing for all ten cases has been requested and scheduled for February 11, 2014. *See, e.g.*, IPR2013-00043, Order—Trial Hearing (Paper 84). On February 4, 2014, Patent Owner filed demonstrative exhibits for use at the hearing. *See, e.g., id.*; Patent Owner's Demonstratives for Hearing (Paper 88). On February 6, 2014, counsel for Petitioner requested a conference call with the Board to discuss Petitioner's objections to the propriety of Patent Owner's demonstrative exhibits under 37 C.F.R. § 42.70. A conference call was held at 11:00 a.m. on February 7, 2014, between counsel for the parties and Judges Bisk, McKelvey, Obermann, Kamholz, and Yang. A court reporter was present, and the Board asked Petitioner to file a transcript of the telephone conference.

Petitioner argued that Patent Owner's demonstrative exhibits improperly include argument and, moreover, are so voluminous that Patent Owner will be unable to use all of the exhibits within the time allotted for the hearing. When asked to do so, Petitioner identified no new argument included in the demonstrative exhibits. Petitioner further argued that Patent Owner's demonstrative exhibits should be expunged as inappropriate further briefing.

Patent Owner responded that the demonstrative exhibits will aid the Board in following Patent Owner's presentation at the hearing.

The Board advised the parties that Patent Owner is permitted to use the demonstrative exhibits at the hearing. Whether Patent Owner will have time at the hearing to use each of the demonstrative exhibits is a time management matter left to counsel for Patent Owner. The Board further advised the parties that it is premature at this time to decide whether any demonstrative exhibits should be expunged from the record subsequent to the hearing.

It is, therefore,

ORDERED that demonstrative exhibits filed by Patent Owner on February 4, 2014, may be used by Patent Owner at the final hearing.

PETITIONER:

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