

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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U.S. ENDOSCOPY GROUP, INC.,  
Petitioner,

v.

CDX DIAGNOSTICS, INC.,  
Patent Owner.

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Case IPR2014-00639 (Patent 6,676,609 B1)  
Case IPR2014-00641 (Patent 7,004,913 B1)  
Case IPR2014-00642 (Patent 6,258,044 B1)

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Before PHILLIP J. KAUFFMAN and BARRY L. GROSSMAN,  
*Administrative Patent Judges.*

KAUFFMAN, *Administrative Patent Judge.*

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

Case IPR2014-00639 (Patent 6,676,609 B1)

Case IPR2014-00641 (Patent 7,004,913 B1)

Case IPR2014-00642 (Patent 6,258,044 B1)

The parties have requested oral argument, and the hearing will commence at 1:00 PM ET on Thursday, May 21, 2015, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. *See* Papers 9, 20, and 22.<sup>1</sup>

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.

Each side will have sixty (60) minutes of total argument time for all three cases. Each party may allocate its time among the three cases as it wishes.

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 arguments regarding the challenged claims for which the Board instituted trial in all three cases. Patent Owner then will respond to Petitioner's arguments. Petitioner may reserve time to respond to arguments presented by Patent Owner. Patent Owner may not reserve time.

Furthermore, under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served at least five 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

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<sup>1</sup> These references are to IPR2014-00639, and are illustrative of the papers filed in the other cases.

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

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 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 days before the hearing directed to the above email address.

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