

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NESTLÉ USA, INC.

Petitioner

v.

STEUBEN FOODS, INC.

Patent Owner

Case IPR2015-00249

U.S. Patent No. 6,481,468

REQUEST FOR ORAL HEARING DATE

The Board had previously scheduled oral hearing in this proceeding for January 14, 2019. *See* Paper 86, 5. In its Order dated December 18, 2018, however, the Board indicated that the parties could provide a mutually agreed date for oral hearing “the week of January 28 through 1 February, 2019.” *See* Paper 130, 5.

In an email submitted to the Board on January 3, 2019, Patent Owner requested a conference to request briefing in this proceeding and in IPR2014-01235 to address the proper claim construction of the “aseptic” terms at issue under the *Phillips* claim construction standard since the patents will expire before or while on appeal to the Federal Circuit. To the extent Patent Owner’s request for briefing does not impact scheduling of the oral hearing, both Patent Owner and Petitioner have agreed and are available for oral hearing in this proceeding on January 30, 2019.

Date: January 4, 2019

/Thomas J. Fisher/
Thomas J. Fisher (Reg. No. 44,681)
Counsel for Patent Owner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies service of REQUEST FOR ORAL HEARING DATE on the counsel of record for the Petitioner by filing this document through the PTAB E2E System as well as delivering a copy via electronic mail to the following addresses:

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