

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LINDSAY CORPORATION,
Petitioner,

v.

VALMONT INDUSTRIES, INC.,
Patent Owner.

Case IPR2015-01039
Patent 7,003,357 B1

Before SALLY C. MEDLEY, ROBERT J. WEINSCHENK, and
WILLIAM M. FINK, *Administrative Patent Judges*.

WEINSCHENK, *Administrative Patent Judge*.

ORDER
Oral Hearing
35 U.S.C. § 316(a)(10) and 37 C.F.R. § 42.70

The Scheduling Order for this case sets the date for the oral hearing as June 16, 2016. Paper 8, 6. Each party requested an oral hearing pursuant to 37 C.F.R. § 42.70. Papers 26, 27. The parties' requests for an oral hearing are *granted*.

The hearing will commence at 1:00 PM ET on June 16, 2016, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. 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 for the hearing, and the reporter's transcript will constitute the official record of the hearing.

Each party will have a total of thirty (30) minutes to present any arguments relating to this case. Petitioner bears the ultimate burden of proof that the claims under review in these cases are unpatentable. Therefore, Petitioner will proceed first, and Patent Owner will follow. Petitioner may then use any time Petitioner reserved for rebuttal. The parties are reminded that the presenter must identify clearly and specifically any 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 the ability of all judges to follow the presenter's arguments.

Under 37 C.F.R. § 42.70(b), the parties shall serve any demonstrative exhibits upon each other at least seven (7) business days prior to the hearing. The parties also shall provide the demonstrative exhibits to the Board at least two (2) 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. The parties are directed to *St. Jude Medical, Cardiology Division, Inc. v. The Board of Regents of the University*

IPR2015-01039
Patent 7,003,357 B1

of Michigan, Case IPR2013-00041, Paper 65, 2–5 (PTAB Jan. 27, 2014), for guidance regarding the appropriate content of demonstrative exhibits.

The Board expects the parties will meet and confer in good faith to resolve any objections to demonstrative exhibits. If such objections cannot be resolved, the parties must initiate a conference call with the Board at least two (2) business days prior to the hearing to resolve any objections to demonstrative exhibits. Any objection to demonstrative exhibits that are not timely presented at least two (2) business days prior to the hearing will be considered waived.

We expect lead counsel for each party to be present in person at the hearing. Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,758 (Aug. 14, 2012). However, any counsel of record may present the party's arguments. If either party anticipates that its lead counsel will not attend the hearing, the parties shall request and make themselves available for a conference call with the Board to occur no later than two (2) business days prior to the hearing to discuss the reasons for that lead counsel's absence.

Any requests regarding special equipment or needs, such as for audio/visual equipment, should be directed to Trials@uspto.gov. Requests for special equipment will not be honored unless presented in a separate communication directed to the identified email address not less than five (5) business days before the hearing.

IPR2015-01039
Patent 7,003,357 B1

PETITIONER:

Scott R. Brown
Matthew B. Walters
HOVEY WILLIAMS LLP
sbrown@hoveywilliams.com
mwalters@hoveywilliams.com

PATENT OWNER:

P. Weston Musselman, Jr.
Ricardo J. Bonilla
FISH & RICHARDSON P.C.
musselman@fr.com
IPR25199-0016IP1@fr.com