

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NEOCHORD, INC.,
Petitioner,

v.

UNIVERSITY OF MARYLAND, BALTIMORE and
HARPOON MEDICAL, INC.,
Patent Owner.

Case IPR2016-00208
Patent 7,635,386 B1

Before SALLY C. MEDLEY, ERICA A. FRANKLIN, and
JAMES A. WORTH, *Administrative Patent Judges*.

WORTH, *Administrative Patent Judge*.

ORDER
Trial Hearing
37 C.F.R. § 42.70

Petitioner NeoChord, Inc. and Patent Owner University of Maryland, Baltimore both request oral hearing pursuant to 37 C.F.R. § 42.70(a). Papers 13, 14. Upon consideration, the requests with respect to oral hearing are granted as follows. Oral argument shall commence at 2:00 pm Eastern Time on January 31, 2017, on the ninth floor of Madison Building East,

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600 Dulany Street, Alexandria, Virginia. Each party will have thirty (30) minutes of total time to present arguments. Petitioner bears the ultimate burden of proof that the claims at issue are unpatentable. Therefore, Petitioner will open the hearing by presenting its case regarding the challenged claims for which the Board instituted trial. Patent Owner then will have the entirety of its allotted time to respond to Petitioner's presentation. Petitioner may reserve rebuttal time to respond to Patent Owner's arguments.

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. For planning purposes, it is not required, but it would be greatly appreciated, if the parties could indicate to the Board by email to Trials@uspto.gov approximately how many people they expect to be present at the hearing for each side.

At least five (5) business days prior to the hearing, each party shall serve on the other party any demonstrative exhibit(s) it intends to use during the hearing. *See* 37 C.F.R. § 42.70(b). The parties should attempt to work out any objections to demonstratives prior to involving the Board. At least two (2) business days prior to the hearing, the parties shall file the demonstrative exhibits with the Board. *See id.* 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.

The parties must initiate a conference call with the Board at least two business days before the hearing to present any objection regarding the propriety of any demonstrative exhibit. Any objection to demonstrative exhibits that is not timely presented will be considered waived. The Board asks the parties to confine demonstrative exhibit objections to those identifying egregious violations that are prejudicial to the administration of justice. The parties are reminded that each presenter must identify clearly and specifically each demonstrative exhibit (e.g., by slide or screen number) referenced during the hearing to ensure the clarity and accuracy of the reporter's transcript.

The Board expects lead counsel for each party to be present in person at the hearing. If a party anticipates 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 counsel of record, however, may present the party's argument.

Requests for audio-visual equipment are to be made at least five business days in advance of the hearing date by sending the request to Trials@uspto.gov. If the request is not received timely, the equipment may not be available on the day of the hearing.

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