

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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PACKERS PLUS ENERGY SERVICES INC.,  
Petitioner,

v.

BAKER HUGHES OILFIELD OPERATIONS, INC.,  
Patent Owner.

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Cases<sup>1</sup>

IPR2016-01000 (Patent 9,038,656 B2)

IPR2016-01003 (Patent 8,261,761 B2)

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Before MITCHELL G. WEATHERLY, BEVERLY M. BUNTING, and  
ROBERT L. KINDER, *Administrative Patent Judges*.

BUNTING, *Administrative Patent Judge*.

ORDER  
ORAL HEARING  
37 C.F.R. § 42.70

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<sup>1</sup> This Order addresses issues that are the same in each case. Therefore, we exercise our discretion to issue one paper to be filed in each case. The parties, however, are not authorized to use this style heading in subsequent papers.

IPR2016-01000 (Patent 9,038,656 B2)

IPR2016-01003 (Patent 8,261,761 B2)

We instituted the above-identified *inter partes* reviews. Paper 11.<sup>2</sup> Both parties request oral hearing pursuant to 37 C.F.R. § 42.70 in each of the proceedings. Papers 22, 23. The requests are *granted*.

The hearing will commence at **10:00 AM** Eastern Time, on **June 26, 2017**, and will be conducted at the **USPTO Headquarters, Ninth Floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia, 22314**.<sup>3</sup> The hearing will be open to the public for in-person attendance that will be accommodated on a first-come, first-served basis. If the parties have any concern about disclosing confidential information, they are requested to contact the Board at least seven days in advance of the hearing to discuss the matter.

The parties will first present arguments for IPR2016-01000. Each party will have 20 minutes to present its arguments, for a total of 40 minutes. Because Petitioner bears the ultimate burden of proof that the challenged claims are unpatentable, Petitioner will proceed first to present its case as to the challenged claims and grounds the Board instituted trial. Thereafter, Patent Owner will respond to Petitioner's case. Petitioner may reserve some of its argument time for use in further presentation after Patent Owner has responded to Petitioner's initial presentation. No live testimony from any witness will be taken at the oral argument. The parties will then have 20 minutes each, for a total of 40 minutes, to present arguments in IPR2016-01003, using this same format.

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<sup>2</sup> Citations to papers are to IPR2016-01000.

<sup>3</sup> See <https://www.uspto.gov/about-us/uspto-locations/alexandria-virginia-headquarters> for additional information.

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The Board expects lead counsel for each party to be present at oral hearing, although any backup counsel may make the actual presentation, in whole or in part. If lead counsel for either party will not be in attendance at oral hearing, the Board should be notified via a joint telephone conference call no later than two business days prior to the oral hearing to discuss the matter.

The Board will provide a court reporter for the oral argument and the reporter's transcript will constitute the official record of the oral argument. The hearing transcript will be entered in the record of this proceeding.

The parties are reminded that under 37 C.F.R. § 42.53(f)(7), a proponent of deposition testimony must file such testimony as an exhibit. The Board will not consider any deposition testimony that has not been so filed.

Under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served at least seven 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 [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

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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*, Case IPR2013-00041 (PTAB Jan. 27, 2014) (Paper 65), for guidance regarding the appropriate content of demonstrative exhibits. *See also CBS Interactive Inc. v. Helferich Patent Licensing, LLC*, Case IPR2013-00033 (PTAB Oct. 23, 2013) (Paper 118) (The Board has the discretion to limit the parties' demonstratives to pages in the record should there be no easy resolution to objections over demonstratives.).

The parties are reminded that the 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.

Requests for audio-visual equipment are to be made five days in advance of the hearing date. The request is to be sent to [Trials@uspto.gov](mailto: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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