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Paper No. 48
Entered: October 3, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HAMAMATSU CORPORATION
Petitioner,

v.

SIONYX, LLC
Patent Owner.

Case IPR2016-01910
Patent 8,680,591 B2

Before GEORGIANNA W. BRADEN and MONICA S. ULLAGADDI, *Administrative Patent Judges*.

ULLAGADDI, *Administrative Patent Judge*.

ORDER
Trial Hearing
37 C.F.R. § 42.70

On March 30, 2017, we entered a Decision to Institute trial in IPR2016-01910. Paper 22. A Scheduling Order set the date for oral hearing, if requested by either party, as October 4, 2017. Paper 23. Pursuant to 37 C.F.R. § 42.70, both parties have requested oral hearing. Papers 35, 36. Petitioner's and Patent Owner's requests for oral hearing are *granted*.

Oral argument for this proceeding will be held on October 4, 2017 on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. The hearing will commence at 2:00 PM Eastern Time and it will be open to the public for in-person attendance. In-person attendance will be accommodated on a first-come-first-served basis. If the parties have any concern about disclosing confidential information, they are to contact the Board in advance of the hearing to discuss the matter.

Each party will have forty-five (45) minutes of total time to present arguments for both cases. Petitioner bears the ultimate burden of proof that the claims at issue are unpatentable. Therefore, Petitioner will proceed first to present its case with regard to the challenged claims and grounds on which we instituted trial. Patent Owner then will argue its opposition to Petitioner's case. Petitioner may reserve rebuttal time.

The Board will provide a court reporter for the hearing and the reporter's transcript will constitute the official record of the hearing.

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.

Furthermore, pursuant to 37 C.F.R. § 42.70(b), demonstrative exhibits must be served before the hearing. The parties shall provide a courtesy copy

of any demonstrative exhibits to the Board prior to the hearing by emailing them to Trials@uspto.gov. The demonstrative exhibits in this case are not evidence and are intended only to assist the parties in presenting their oral argument to the Board. The parties must, however, file any objections to the demonstratives with the Board before the hearing. Any objection to the demonstrative exhibits that is not 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 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 prior to the oral hearing to discuss the matter.

Any special requests for audio visual equipment should be directed to Trials@uspto.gov.

Two judges will be participating remotely via a videoconferencing device and will not be able to view the projection screen in the hearing room. 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 avoid confusion, and to ensure the clarity and accuracy of the reporter's transcript.

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