

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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AFTON CHEMICAL CORPORATION,  
Petitioner,

v.

INFINEUM INTERNATIONAL LIMITED,  
Patent Owner.

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Case IPR2017-01321  
Patent 8,076,274 B2

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Before JON B. TORNQUIST, JEFFREY W. ABRAHAM,  
and MICHELLE N. ANKENBRAND, *Administrative Patent Judges*.

TORNQUIST, *Administrative Patent Judge*.

ORDER  
Oral Hearing  
37 C.F.R. § 42.70

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Petitioner and Patent Owner each request oral hearing pursuant to 37 C.F.R. § 42.70(a). Paper 37; Paper 38. These requests are granted.

The hearing will commence at 10:00 am Eastern Time, on Thursday, August 9, 2018, and will be conducted on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia, 22314. The hearing will be open to the public for in-person attendance that will be accommodated on a first-come, first-served basis.

Each party will have one hour of argument time. Petitioner, bearing the burden of proof, will argue first and may present arguments regarding the challenged claims on which we instituted trial, as well as arguments directed to Petitioner's Motion to Exclude and Patent Owner's Motion to Amend. Patent Owner will then have the opportunity to respond to Petitioner's arguments and present arguments regarding its Motion to Amend and its Motion to Exclude. Next, Petitioner may use any time it has reserved for rebuttal<sup>1</sup> to respond to Patent Owner's arguments. Finally, Patent Owner may use any time it has reserved for rebuttal to respond to Petitioner's arguments regarding Patent Owner's Motion to Exclude, as well as Petitioner's arguments, if any, addressing whether Patent Owner's Motion to Amend satisfies the requirements of 35 U.S.C. § 316(d) and 37 C.F.R. § 42.121. No other arguments will be heard.

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

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<sup>1</sup> The parties may reserve no more than one-half of their argument time for rebuttal.

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Under 37 C.F.R. § 42.70(b), demonstrative exhibits, if any, must be served at least (7) seven business days before the hearing. Demonstrative exhibits are not evidence, and may not be used to introduce new evidence or to raise new arguments. 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) and *CBS Interactive Inc. v. Helferich Patent Licensing, LLC*, Case IPR2013-00033 (PTAB Oct. 23, 2013) (Paper 118) for guidance regarding the appropriate content of demonstrative exhibits.

The Board expects that the parties will meet and confer in good faith to resolve any objections to demonstrative exhibits, but if any objections cannot be resolved, the unresolved objections must be filed with the Board at least (2) 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 and portions thereof 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 the Board deems necessary. Otherwise, the Board will rule on the objections at the hearing.

The parties shall provide the demonstrative exhibits to the Board by emailing them to [Trials@uspto.gov](mailto:Trials@uspto.gov) at least (3) three business days before the hearing. Despite the requirement in § 42.70(b) for parties to file demonstratives, the parties shall not file any demonstrative exhibits in this case without prior authorization from the Board.

To aid in the preparation of an accurate transcript, each party shall provide a paper copy of any demonstratives to the court reporter on the day of the oral argument. Such paper copies shall not become part of the record of this proceeding.

At least one member of the panel may be attending the hearing electronically from a remote location and may not be able to view the projection screen in the hearing room. In particular, documents presented on the Elmo projector are not visible to remote judges, so please plan accordingly. 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 and for the benefit of the judge(s) presiding over the hearing remotely. Because of limitations of the audio transmission systems in our hearing rooms, the presenter may speak only when standing at the hearing room lectern.

The Board expects lead counsel for each party to be present at the oral hearing, although any counsel of record may make the actual presentation. If either party anticipates that its lead counsel will not be in attendance at the oral hearing, the party shall advise the Board by email no later than five (5) business days prior to the oral hearing, and such lead counsel shall be available to discuss the matter via conference call if necessary.

Questions regarding specific audio-visual equipment should be directed to the Board at (571) 272-9797. Requests for audio-visual equipment are to be made (5) 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.

In view of the foregoing, it is:

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ORDERED that oral argument will commence at 10:00 AM ET on  
August 9, 2018.

PETITIONER:

Matias Ferrario  
mferrario@kilpatricktownsend.com

Keith Fredlake  
kfredlake@kilpatricktownsend.com

PATENT OWNER:

Elizabeth Gardner  
e1aptabdoCKET@orrick.com

K. Patrick Herman  
p52ptabdoCKET@orrick.com