

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PANDUIT CORP.,
Petitioner,

v.

CCS TECHNOLOGY, INC.,
Patent Owner.

Cases

IPR2017-01323 (Patent 6,758,600 B2)
IPR2017-01375 (Patent 6,869,227 B2)¹

Before JONI Y. CHANG, JENNIFER S. BISK, and DANIEL J. GALLIGAN,
Administrative Patent Judges.

GALLIGAN, *Administrative Patent Judge.*

ORDER
Trial Hearing
37 C.F.R. § 42.70

¹ We exercise our discretion to issue one Order to be filed in each case. The parties may not use this style heading unless authorized.

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The parties request oral argument for these proceedings pursuant to 37 C.F.R. § 42.70. IPR2017-01323, Papers 17, 18; IPR2017-01375, Papers 16, 17.² We grant the requests. The date for oral argument is July 18, 2018.

In each proceeding, Petitioner requests thirty (30) minutes of oral argument time. IPR2017-01323, Paper 17, 2; IPR2017-01375, Paper 16, 3. Patent Owner does not request any particular amount of time for its argument. Based on our review of the record in these proceedings, we determine that one and one half hours of oral argument time, in total, is sufficient to address the issues. Accordingly, each party will have forty-five (45) minutes of total argument time. Petitioner bears the ultimate burden of proof that the claims at issue in these reviews are unpatentable (*see* 35 U.S.C. § 316(e)) and will proceed first to present its case with regard to the challenged claims on which we instituted trial. Thereafter, Patent Owner may respond to Petitioner's case. After that, Petitioner may use any of its remaining time for rebuttal regarding the challenged claims.

Please note the time and location of the hearing. The hearing will commence at **1:00 PM Eastern Time**, on **July 18, 2018**, on the ninth floor of **Madison Building East, 600 Dulany Street, Alexandria, Virginia**, and it will be open to the public for in-person attendance. Attendees 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 at least 10 days in advance of the hearing to discuss the matter. The Board will provide a court reporter for the hearing, and the reporter's transcript will constitute the official record of the

² Patent Owner states that it does not believe oral argument is necessary in IPR2017-01375, but it requests the opportunity to present arguments if there is an oral argument. IPR2017-01375, Paper 17, 1.

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hearing. No live testimony from any witness will be taken at the oral argument.

Any counsel of record may present the party's argument.

Any demonstrative exhibits must be served seven business days before the hearing. 37 C.F.R. § 42.70(b). **Demonstrative exhibits are not evidence and may not introduce new evidence or arguments.** Instead, demonstrative exhibits should cite to evidence in the record. The parties are directed to *St. Jude Medical, Cardiology Division, Inc. v. The Board of Regents of the University of Michigan*, Case No. IPR2013-00041 (PTAB Jan. 27, 2014) (Paper 65), regarding the appropriate content of demonstrative exhibits. 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 presented timely 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.

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 at least five (5) business days in advance of the hearing date. The request is to be sent to Trials@uspto.gov. If the request is not received timely, the equipment may not be available on the day of the hearing.** 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. The parties also should note that one member of the panel will be attending the hearing

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electronically from a remote location and that, if a demonstrative is not filed or otherwise made fully available or visible to the judge presiding over the hearing remotely, that demonstrative will not be considered. If the parties have questions as to whether demonstrative exhibits would be sufficiently visible and available to all of the judges, the parties are invited to contact the Board at 571-272-9797.

PETITIONER:

Kelly J. Eberspecher
Daniel S. Stringfield
Katherine D. Cappaert
STEPTOE & JOHNSON LLP
keberspecher@steptoe.com
dstringfield@steptoe.com
kcappaert@steptoe.com

PATENT OWNER:

Eric D. Hayes
Eugene Goryunov
G. William Foster
KIRKLAND & ELLIS LLP
eric.hayes@kirkland.com
egoryunov@kirkland.com
billy.foster@kirkland.com