

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MINIATURE PRECISION COMPONENTS, INC.,
Petitioner,

v.

EAGLE INDUSTRIES, INC.,
Patent Owner.

Case IPR2017-01403
Patent 8,205,592 B2

Before MICHAEL W. KIM, JAMES A. WORTH, and
RICHARD H. MARSCHALL, *Administrative Patent Judges.*

MARSCHALL, *Administrative Patent Judge.*

ORDER
Trial Hearing
37 C.F.R. § 42.70

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As set forth in the Scheduling Order (Paper 9), as modified by the May 16, 2018 Order (Paper 16), oral argument, if requested, is scheduled for September 7, 2018. Patent Owner requested oral argument in connection with this proceeding. Paper 23. Patent Owner requested “1 hour of total argument time, with 30 minutes allocated to the Petitioner and 30 minutes allocated to the Patent Owner.” *Id.* at 1. Petitioner did not oppose Patent Owner’s request, or file its own request for oral argument, which was due on July 30, 2018. *See* Papers 9, 16. Patent Owner’s request is *granted*.

Oral argument will commence at 10:00 AM ET on September 7, 2018. The hearing 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, which will be accommodated on a first-come, first-served basis. The Board will provide a court reporter for the hearing, and the reporter’s transcript will constitute the official record of the hearing.

Each party will have thirty (30) minutes of total argument time, for a total of 60 minutes of argument. Petitioner bears the ultimate burden of proof that the claims at issue in these reviews are unpatentable. Therefore, at oral hearing Petitioner will proceed first to present its case with regard to the challenged claims on which basis we instituted trial in each proceeding. Petitioner may reserve rebuttal time. Thereafter, Patent Owner will argue its opposition to Petitioner’s case. Lastly, Petitioner may use any reserved time for rebuttal.

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 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.

At least one member of the panel may be attending the hearing electronically from a remote location and will not be able to view the projection screen in the hearing room. Thus, if a demonstrative exhibit is not made available in advance or visible to the judge(s) presiding over the hearing remotely, that demonstrative exhibit will not be helpful. 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 any judge(s) presiding over the hearing remotely. A hard copy of the demonstratives, if filed, should be provided to the court reporter at the hearing. In addition, the parties are reminded that, at the oral argument, they "may rely upon evidence that has been previously submitted in the proceeding and may only present arguments relied upon in the papers previously submitted." Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012). "No new evidence or arguments may be presented at the oral argument." *Id.*

Under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served at least seven business days prior to the hearing. The parties are further directed to file demonstrative exhibits three business days prior to the hearing, and request a conference call with the Board prior to the hearing to

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resolve any dispute over the propriety of each party's demonstrative exhibits. The parties are responsible for requesting such a conference sufficiently in advance of the hearing to accommodate this requirement. Any objection to demonstrative exhibits that is not presented timely will be considered waived. The parties may refer to *CBS Interactive Inc. v. Helferich Patent Licensing, LLC*, IPR2013-00033 (PTAB October 23, 2013) (Paper 118), and *St. Jude Medical, Cardiology Div., Inc. v. The Board of Regents of the University of Michigan*, IPR2013-00041 (PTAB Jan. 27, 2014) (Paper 65) regarding the appropriate content of demonstrative exhibits.

The Board expects lead counsel for each party to be present in person at the oral hearing. Lead or backup counsel, however, may present the party's argument. If either party anticipates that its lead counsel will not be attending the oral argument, the parties should request a joint telephone conference with the Board no later than two business days prior to the oral hearing to discuss the matter.

It is

ORDERED that oral argument will commence at 10:00 A.M. ET on September 7, 2018.

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