

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
Conduct of the Proceeding
37 C.F.R. § 42.5

On August 31, 2018, Petitioner and Patent Owner contacted the Board, whereby Petitioner sought a conference call with the Board to discuss a disagreement between the parties regarding the scope of Patent Owner's demonstrative exhibits. Petitioner argues that some of Patent Owner's demonstrative exhibits present new arguments and evidence, while Patent Owner argues that they include proper responses to Petitioner's mischaracterizations of deposition testimony.

At this time, the panel does not view a pre-hearing conference call to resolve disputes regarding the demonstrative exhibits as necessary. The parties are reminded that demonstrative exhibits are not evidence, and no new arguments or evidence, not supported by the arguments and evidence already of record, will be considered by the panel in reaching its final decision. Specifically, use of new evidence, including new physical samples, photos, and videos, used to advance new theories, rather than provide background or clarify existing argument and evidence, will not be considered. We will presume that any demonstrative that includes material that does NOT readily correlate to a corresponding Exhibit or Paper number is improper.

Patent Owner may, however, refute alleged attempts by Petitioner to mischaracterize deposition testimony in the Reply using, for example, the deponent's declaration and other argument and evidence of record, including other portions of the deposition transcript.

If a party feels the other party has violated these guidelines by introducing new argument and evidence, the party can raise that issue at the hearing during that party's turn to speak. Standing objections are generally not permitted. Please note that this Order does not reach the merits of the

IPR2017-01403
Patent 8,205,592 B2

parties' disagreement.

In consideration of the foregoing, it is hereby:

ORDERED that the request for a conference call to discuss the parties' disagreement regarding the scope of Patent Owner's demonstrative exhibits is DENIED.

IPR2017-01403
Patent 8,205,592 B2

For PETITIONER:

John S. Artz
Bryan J. Schomer
DICKINSON WRIGHT PLLC
jsartz@dickinsonwright.com
bschomer@dickinsonwright.com

For PATENT OWNER:

Jacob D. Koering
CANFIELD, PADDOCK & STONE
koering@millercanfield.com