

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HUTCHINSON TECHNOLOGY INC.,
HUTCHINSON TECHNOLOGY OPERATIONS (Thailand) CO., LTD.,
Petitioner,

v.

NITTO DENKO CORP,
Patent Owner.

Case IPR2017-01607
Patent 8,692,126

Before THOMAS L. GIANNETTI, CHRISTA P. ZADO, and
MELISSA A. HAAPALA, *Administrative Patent Judges*.

GIANNETTI, *Administrative Patent Judge*.

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

The Scheduling Order for this case sets the date for oral hearing as October 2, 2018, if a hearing is requested by the parties and granted by the Board. The parties have each requested oral hearing pursuant to 37 C.F.R. § 42.70.

In view of the foregoing, it is hereby

ORDERED that the requests for oral hearing in this case are *granted*;

FURTHER ORDERED that each party will have a total of 60 minutes to present argument for this case;

FURTHER ORDERED that Petitioner will open the hearing by presenting its case regarding the challenged claims for which the Board instituted trial and any claims proposed in Patent Owner's motion to amend. Petitioner may also reserve reasonable rebuttal time. After Petitioner's presentation, Patent Owner will respond to Petitioner's arguments. Petitioner may use the rest of its time for rebuttal.

FURTHER ORDERED that the hearing will commence at 2 PM ET on October 2, 2018, on the Ninth Floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. The Board will provide a court reporter for the hearing and the reporter's transcript will constitute the official record of the hearing. The hearing will be open to the public for in-person attendance that will be accommodated on a first-come, first-served basis.

FURTHER ORDERED that demonstrative exhibits must be served by Thursday, September 20, 2018. The parties also shall also provide a courtesy copy of any demonstrative exhibits to the Board by emailing them to Trials@uspto.gov by Wednesday, September 26, 2018.

FURTHER ORDERED that despite the requirement in 37 C.F.R. § 42.70(b) to file demonstratives, the parties shall *not* file any demonstrative

exhibits in this proceeding without prior authorization from the Board. The parties are reminded that 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.

FURTHER ORDERED that the parties must file any objections to the demonstratives with the Board by September 28, 2018. Any objection to demonstrative exhibits that is not timely 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 call to address them, 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.

FURTHER ORDERED that the Board expects lead counsel for each party to be present in person at the oral hearing. Any counsel of record, however, may present the party's argument. The parties may divide argument among counsel as they wish.

FURTHER ORDERED that if any party expects that its lead counsel will not be attending the oral argument, the parties should initiate a joint telephone conference with the Board no later than two business days prior to the oral hearing to discuss the matter.

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FURTHER ORDERED that any special requests for audio visual equipment should be directed to Trials@uspto.gov. Requests for special equipment will not be honored unless presented in a separate communication not less than five days before the hearing directed to the above email address.

PETITIONER:

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