

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RIDDELL, INC.,
Petitioner,

v.

KRANOS IP II CORP.,
Patent Owner.

Case IPR2018-01164
Patent 6,434,755 B1

Before HYUN J. JUNG, JAMES A. TARTAL, and SCOTT C. MOORE,
Administrative Patent Judges.

TARTAL, *Administrative Patent Judge.*

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

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The date set for oral argument in this proceeding is September 5, 2019, if requested by either party and granted by the Board. Paper 11. Patent Owner requests oral argument. Paper 20. The request for oral argument is *granted* as provided below.

Each side will have forty-five (45) minutes, total, to present its argument in the case. Petitioner bears the ultimate burden of proof that Patent Owner's claims at issue in this review are unpatentable and shall open the hearing by presenting its case regarding the challenged claims for which the Board instituted trial. After Petitioner's presentation, Patent Owner will respond to Petitioner's argument. Next, Petitioner may use any time it has reserved for rebuttal to respond to Patent Owner's arguments. Patent Owner may also reserve some of its argument time for rebuttal to respond to Petitioner's arguments.

The hearing will commence at 10:00 AM on September 5, 2019, on the ninth floor of the 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. If the parties have any concern about disclosing confidential information, they are requested to contact the Board at least seven (7) days in advance of the hearing to discuss the matter.

Under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served at least seven (7) business days before the hearing date and filed no later than the time of the oral argument. The parties also shall provide a courtesy copy

of any demonstrative exhibits to the Board at least five (5) business days prior to the hearing by emailing them to Trials@uspto.gov.

The parties must file any objections to the demonstrative exhibits with the Board at least two (2) 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 demonstrative exhibits 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. The parties are directed to *St. Jude Medical, Cardiology Division, Inc. v. Board of Regents of the University of Michigan*, IPR2013-00041 (PTAB Jan. 27, 2015) (Paper 65), for guidance regarding the appropriate content of demonstrative exhibits. The parties are reminded that the demonstrative exhibits presented in this case are not evidence and are intended only to assist the parties in presenting their oral argument to the panel.

The parties should be prepared for the possibility that at least one member of the panel may attend the hearing electronically from a remote location and may not be able to view the projection screen in the hearing room. If a demonstrative exhibit is not made available or visible to the judge(s) presiding over the hearing remotely, that demonstrative will not be considered. Counsel 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.

The Board expects lead counsel for each party to be present in person at the oral hearing. However, any counsel of record may present the party's argument. If either 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 (2) business days prior to the oral hearing to discuss the matter.

A party may request remote video attendance for one or more of its other attendees to view the hearing from any USPTO location. The available locations include the Texas Regional Office in Dallas, Texas; the Rocky Mountain Regional Office in Denver, Colorado; the Elijah J. McCoy Midwest Regional Office in Detroit, Michigan; and the Silicon Valley Office in San Jose, CA. To request remote video viewing, a party must send an email message to Trials@uspto.gov ten (10) business days prior to the hearing, indicating the requested location and the number planning to view the hearing from the remote location. The Board will notify the parties if the request for video viewing is granted. Note that it may not be possible to grant the request due to the availability of resources.

Per the recent update to the Office Patent Trial Practice Guide, either party may request a pre-hearing conference (Office Patent Trial Practice Guide, August 2018 Update, 83 Fed. Reg. 39,989 (Aug. 13, 2018) (found at the following link to the USPTO website: <https://go.usa.gov/xU7GP>)). Requests for a pre-hearing conference must be made by August 16, 2019. To request such a conference, an email should be sent to Trials@uspto.gov including several dates and times of availability for one or both parties, as appropriate, that are generally no later than three (3) business days prior to

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the oral hearing. Please refer to the Guide for more information on the prehearing conference.

Any special requests for audio-visual equipment should be directed to Trials@uspto.gov. A party may also indicate any special requests related to appearing at an in-person oral hearing, such as a request to accommodate physical needs that limit mobility or visual or hearing impairments, and indicate how the PTAB may accommodate the special request. Any special requests will not be honored unless presented in a separate communication not less than five (5) days before the hearing directed to the above email address.

It is

ORDERED that the Patent Owner's request for oral hearing is *granted* subject to the conditions set forth in this Order; and

FURTHER ORDERED that oral hearing, conducted pursuant to the procedures outlined above, shall commence at 10:00 AM Eastern Time on September 5, 2019.

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