

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SANDBOX MEDICAL, LLC,  
Petitioner,

v.

NEOTECH PRODUCTS, INC.,  
Patent Owner.

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Case IPR2019-00246  
Patent 6,958,050 B1

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Before BENJAMIN D. M. WOOD, RICHARD H. MARSCHALL,  
and JASON W. MELVIN, *Administrative Patent Judges*.

WOOD, *Administrative Patent Judge*.

ORDER  
Trial Hearing  
*35 U.S.C. § 42.70*

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Petitioner and Patent Owner request an oral argument in this case pursuant to 37 C.F.R. § 42.70. Papers 18, 19. Each party requests 30 minutes of total argument time. Having considered the parties' submissions, the parties' requests for oral argument are GRANTED.

The oral argument will commence at 1:00 pm Eastern Time on Thursday, February 6, 2020, at the USPTO Headquarters on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. The hearing will be open to the public for in-person attendance that will be accommodated on a first-come, first-served basis. The parties are directed to contact the Board at least 10 days in advance of the hearing if there are any concerns about disclosing confidential information. The Board will provide a court reporter for the hearing, and the reporter's transcript will constitute the official record of the hearing. To facilitate planning, each party must send an email message to [PTABHearings@uspto.gov](mailto:PTABHearings@uspto.gov) five days prior to the hearing if the number planning to attend the hearing in-person for its side (attorneys and others) exceeds five people.

Each party will have 30 minutes of total argument time. Petitioner will open the hearing by presenting its case regarding the challenged claims. Patent Owner will then respond to Petitioner's presentation. Petitioner may reserve rebuttal time of no more than half its total argument time to reply to Patent Owner's arguments. Patent Owner may reserve sur-rebuttal time of no more than half its total argument time to respond to Petitioner's rebuttal.

Under 37 C.F.R. § 42.70(b), demonstrative exhibits, if any, must be served seven business days before the hearing. The parties must also provide the demonstrative exhibits to the Board at least three business days prior to the hearing by emailing them to [PTABHearings@uspto.gov](mailto:PTABHearings@uspto.gov). The

parties shall not file any demonstrative exhibits in this proceeding without prior authorization from the Board.

The Board reminds the parties that demonstrative exhibits are not evidence, but are intended to assist the parties in presenting their oral arguments to the Board. The Board also reminds the parties that demonstrative exhibits are not a mechanism for making arguments not previously addressed in the papers. The parties are directed to *St. Jude Medical, Cardiology Division, Inc. v. The Board of Regents of the University of Michigan*, Case IPR2013-00041 (PTAB Jan. 27, 2014) (Paper 65), for guidance regarding the appropriate content of demonstrative exhibits.

The Board expects that the parties will meet and confer in good faith to resolve any objections to demonstrative exhibits. If such objections cannot be resolved, the parties may file any remaining objections with the Board at least three business days before the oral hearing. The objections must identify with particularity the portions of the demonstrative exhibits that are subject to objection and include a one-sentence statement of the basis for each objection. No argument or further explanation is permitted. The Board will consider any objections and schedule a conference call if deemed necessary. Otherwise, the Board will reserve ruling on the objections until the hearing. Any objection to demonstrative exhibits that is not timely presented will be considered waived. A hard copy of the demonstratives should be provided to the court reporter at the hearing.

The Board generally 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 as long as that counsel is present in person. If either party anticipates that its lead counsel will not be attending the oral argument

in person, 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.

A party may request that counsel be permitted to present arguments remotely from an alternative USPTO location. The available alternative locations are 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, California. To request that counsel be permitted to present arguments from a remote location, a party should send an email message to [PTABHearings@uspto.gov](mailto:PTABHearings@uspto.gov) at least ten business days or as soon as practical prior to the hearing, and provide a short statement of reasons for the request. The Board will notify the parties if the request is approved. Approval of the request does not mean that a panel member will be present at the remote location.

A party may also request remote video attendance for one or more of its other attendees to view the hearing from any USPTO location. To request remote video viewing, a party must send an email message to [PTABHearings@uspto.gov](mailto:PTABHearings@uspto.gov) ten 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.

Any special requests for audio-visual equipment should be directed to [PTABHearings@uspto.gov](mailto:PTABHearings@uspto.gov). A party may also indicate any special requests related to appearing at an in-person oral hearing, such as a request to

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accommodate physical needs that limit mobility or visual or hearing impairments, and indicate how the PTAB may accommodate the special request. Any special requests must be presented in a separate communication not less than five (5) days before the hearing.

In light of the foregoing, it is:

ORDERED that the oral hearing, conducted pursuant to the procedures outlined above, shall commence at 1:00 pm Eastern Time on February 6, 2020.

For PETITIONER:

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For PATENT OWNER:

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