

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SCHUL INTERNATIONAL COMPANY, LLC,  
Petitioner,

v.

EMSEAL JOINT SYSTEMS, LTD.,  
Patent Owner.

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Case PGR2017-00053  
Patent 9,528,262 B2

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Before GEORGE R. HOSKINS, JAMES A. WORTH, and  
SCOTT C. MOORE, *Administrative Patent Judges*.

HOSKINS, *Administrative Patent Judge*.

ORDER  
*Trial Hearing*  
37 C.F.R. § 42.70

The parties have both requested oral argument in this proceeding pursuant to 37 C.F.R. § 42.70. *See* Papers 24 & 25. The Requests are each *granted*.

The hearing will commence at **1:30 p.m.** Eastern Time on **February 13, 2019**, on the **ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia 22314**. This is a different date than originally provided in the Scheduling Order (Paper 11), for reasons explained in a separate order entered contemporaneously with this order.

The hearing will be open to the public for in-person attendance, and in-person attendance 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 hearings.

The parties have both requested 60 minutes of argument time. *See* Papers 24 & 25. Based on the scope of review in this case, each party will have 60 minutes of argument time. Petitioner will proceed first to present its arguments, then Patent Owner will argue its opposition to Petitioner's case. Petitioner may reserve rebuttal time, in which event any such rebuttal will be presented after Patent Owner's argument. *See* 35 U.S.C. § 316(e); *Aqua Prods., Inc. v. Matal*, 872 F.3d 1290 (Fed. Cir. 2017).

Under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served at least seven business days before the oral argument. The parties may refer to *CBS Interactive Inc. v. Helferich Patent Licensing, LLC*, IPR2013-00033 (PTAB Oct. 23, 2013) (Paper 118), regarding the appropriate content of demonstrative exhibits. The parties shall meet and confer to discuss any objections to demonstrative exhibits. The parties shall file their demonstrative exhibits with the Board at least three business days before the

hearings. If any issues regarding demonstrative exhibits remain unresolved after the parties meet and confer, the parties shall file jointly a one-page list of objections to the demonstrative exhibits at least three business days before the hearings. For each objection, the list must identify with particularity the demonstrative exhibit(s) subject to the objection and include a short, one-sentence statement explaining the objection. The panel will consider the objections and schedule a conference call if necessary. Otherwise, rulings on the objections will be reserved until the hearings or after the hearings. Any objection to demonstrative exhibits not presented timely will be considered waived. The parties are reminded that the demonstrative exhibits presented in these proceedings are not evidence and are intended only to assist the parties in presenting their oral argument to the panel.

Each party shall provide a hard copy of its demonstrative exhibits to the court reporter at the hearing. At least one judge may be participating remotely via a videoconferencing device and will not be able to view the projection screen in the hearing room. The parties are reminded that the presenter should 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 transcript.

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

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Requests for audio-visual equipment are to be made five business days in advance of the hearing date. The request is to be sent to [Trials@uspto.gov](mailto:Trials@uspto.gov). If the request is not received timely, the equipment may not be available on the day of the hearings.

It is:

ORDERED that oral argument for this proceeding will commence at 1:30 p.m. Eastern Time on February 13, 2019, in Alexandria, Virginia.

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