

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HENKEL CORPORATION,
Petitioner,

v.

H.B. FULLER COMPANY,
Patent Owner.

Case IPR2014-00606
Patent No. 6,833,404 B2

Before CHRISTOPHER L. CRUMBLEY, *Administrative Patent Judge*.

ORDER
Trial Hearing
37 C.F.R. § 42.70

Petitioner, Henkel Corporation, and Patent Owner, H.B. Fuller Company, each requested oral hearing pursuant to 37 C.F.R. § 42.70. Papers 29, 30. Upon consideration, the requests for oral hearing are *granted*. Oral argument shall commence at 10:00 AM Eastern Time on June 10, 2015,

on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia.

Each party will have one hour of total time to present arguments. Henkel bears the ultimate burden of proof that H.B. Fuller's claims at issue in this review are unpatentable. Therefore, Henkel will open the hearing by presenting its case regarding the challenged claims for which the Board instituted trial. H.B. Fuller will then respond to Henkel's arguments. Henkel may reserve rebuttal time to respond to arguments presented by H.B. Fuller.

The Board will provide a court reporter, and the transcript shall constitute the official record of the hearing. No motions to seal have been filed in this proceeding. Accordingly, the Board exercises its discretion to make the oral hearing publically available. The hearing will be open to the public for in-person attendance that will be accommodated on a first-come, first-served basis.

Pursuant to 37 C.F.R. § 42.70(b), demonstrative exhibits shall be served on opposing counsel at least five business days before the hearing, and filed with the Board no later than the time of the oral argument. 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, but if such objections

cannot be resolved the parties may file any objections to demonstratives with the Board at least two business days before the hearing. The objections should identify with particularity which portions of the demonstrative exhibits are subject to objection, include a copy of the objected-to portions, and include a one-sentence statement of the reason 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. Any objection to demonstrative exhibits that is not timely presented will be considered waived.

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 anticipates 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.

Any special requests for audio visual equipment should be directed to Trials@uspto.gov.

In light of the foregoing, it is:

ORDERED that oral hearing, conducted pursuant to the procedures outlined above, shall commence at 10:00 AM Eastern Time on June 10, 2015.

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For PETITIONER:

Anthony C. Tridico
Michele Bosch
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
Anthony.tridico@finnegan.com
Michele.bosch@finnegan.com

For PATENT OWNER:

Walter C. Linder
FAEGRE BAKER DANIELS LLP
walter.linder@FaegreBD.com