

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ACCO BRANDS CORPORATION AND
ACCO BRANDS USA LLC,
Petitioner,

v.

THINK PRODUCTS, INC.,
Patent Owner.

IPR2015-01167 (8,717,758 B2)¹
IPR2015-01168 (8,837,144 B1)

Before RICHARD E. RICE, SCOTT A. DANIELS, and ROBERT A. POLLOCK,
Administrative Patent Judges.

POLLOCK, *Administrative Patent Judge.*

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

¹ This order addresses a similar issue in both cases and we exercise discretion to issue one order to be filed in each case. The parties, however, are not authorized to use this style of heading in subsequent papers.

The Scheduling Order (Paper 14) for these proceedings provided that an oral hearing would be conducted if the hearing is requested by the parties and granted by the Board. Petitioner and Patent Owner requested oral hearing pursuant to 37 C.F.R. § 42.70. Papers 24, 28. The requests are *granted*.

Each side will have one hour of time to present argument for the proceeding. Petitioner bears the ultimate burden of proof that Patent Owner's claims at issue are unpatentable. Thus, Petitioner will open the hearing by presenting its case regarding the challenged claims for which we instituted trial. Thereafter, Patent Owner will respond to Petitioner's presentation. Petitioner may reserve some of its argument time for rebuttal.

The hearing will commence at 1:00 PM on Wednesday, June 29, 2016, 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 and will be entered in the record of each proceeding. The hearing will be open to the public for in-person attendance that will be accommodated on a first-come, first-served basis.

Furthermore, under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served at least five business days before the hearing date. Barring any objections to the demonstratives by the opposing party, the parties are authorized to file any demonstrative exhibits in this proceeding in PRPS three business days prior to the oral hearing date.

If there are objections to the demonstratives, the party raising the objections must communicate those objections via email to Trials@uspto.gov. Any objection to demonstrative exhibits that is not presented timely will be considered waived. The objections should identify with particularity which demonstratives are subject to objection and include a concise statement of the reason for each objection. The

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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. 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; *see also CBS Interactive Inc. v. Helferich Patent Licensing, LLC*, Case IPR2013-00033 (PTAB Oct. 23, 2013) (Paper 118) (stating that the Board has the discretion to limit the parties' demonstratives to pages in the record should there be no easy resolution to objections over demonstratives).

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 business days prior to the oral hearing to discuss the matter.

Any special requests for audiovisual equipment should be directed to Trials@uspto.gov. The parties must submit any such request for special equipment in a separate communication not less than five days before the hearing, directed to the above email address.

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