

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TETRA TECH CANADA INC.,
Petitioner,

v.

GEORGETOWN RAIL EQUIPMENT COMPANY,
Patent Owner.

Case IPR2019-01581
Patent 8,081,320 B2

Before HUBERT C. LORIN, JENNIFER S. BISK, and KRISTINA M.
KALAN, *Administrative Patent Judges*.

BISK, *Administrative Patent Judge*.

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

Petitioner requested oral argument in this *inter partes* review trial pursuant to 37 C.F.R. § 42.70. Paper 12. Petitioner requests one hour of total argument time, 30 minutes per side. *Id.* Upon consideration, the request is granted, and each party shall have 30 minutes of argument time.

Oral arguments will commence at 1:00 pm Eastern time on December 3, 2020, by video. The parties are directed to contact the Board at least 10 days in advance of the argument if there are any concerns about disclosing confidential information. The Board will provide a court reporter for the argument, and the reporter's transcript will constitute the official record of the argument.

If at any time during the proceeding, you encounter technical or other difficulties that fundamentally undermine your ability to adequately represent your client, please let the panel know immediately, and adjustments will be made.

To facilitate planning, each party must contact PTAB Hearings at PTABHearings@uspto.gov five business days prior to the oral argument date to receive video set-up information. As a reminder, all arrangements and the expenses involved with appearing by video, such as the selection of the facility to be used from which a party will attend by video, must be borne by that party. If a video connection cannot be established, the parties will be provided with dial-in connection information, and the oral argument will be conducted telephonically.

If one or both parties would prefer to participate in the oral argument telephonically, they should notify PTAB Hearings at the above email

address five business days prior to the argument to receive dial-in connection information.

Petitioner, bears the ultimate burden of proof that the claims at issue in the *inter partes* reviews are unpatentable. Therefore, Petitioner will open the argument by presenting argument regarding the pending grounds of unpatentability. Patent Owner will then have the opportunity to respond to Petitioner's arguments. If desired, Petitioner may reserve rebuttal time, not to exceed half the total time allotted. Petitioner is cautioned that rebuttal time may only be used to respond to issues raised during Patent Owner's argument. If requested, the Board may permit Patent Owner to present a short sur-rebuttal argument to address any issues raised during Petitioner's rebuttal.

Demonstrative exhibits shall be served on opposing counsel pursuant to 37 C.F.R. § 42.70(b). In addition, we request the parties file exhibits with the Board no later than five business days before the argument. Upon filing, a copy of the demonstrative exhibits should also be emailed to PTABHearings@uspto.gov so that they may be provided to the court reporter prior to the video hearing. All pages of demonstrative exhibits should be clearly marked with the legend "DEMONSTRATIVE EXHIBIT—NOT EVIDENCE." The parties are directed to *St. Jude Medical, Cardiology Division, Inc. v. The Board of Regents of the University of Michigan*, IPR2013-00041, Paper 65 (PTAB Jan. 27, 2014), 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 argument. The objections should identify with particularity which portions of the demonstrative exhibits 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. Any objection to demonstrative exhibits that is not timely presented will be considered waived.

The Board generally expects lead counsel for each party to be present by video at the oral argument. Any counsel of record that is present by video may present the party's argument.

Any special requests for audio-visual equipment should be directed to PTABHearings@uspto.gov. A party may also indicate any special requests related to appearing at a video oral argument, such as a request to accommodate visual or hearing impairments, and indicate how the Board may accommodate the special request. Any special requests must be presented in a separate communication not less than five days before the argument.

The panel will have access to all papers filed with the Board, including demonstratives. During the oral argument, counsel are advised to identify clearly and specifically each demonstrative referenced (e.g., by slide or screen number) to ensure the clarity and accuracy of the court reporter's transcript. In addition, counsel are advised to speak slowly and identify themselves each time they speak. The parties should be aware that the remote nature of the oral argument may also result in an audio lag, so

counsel are advised to observe a pause prior to speaking, so as to avoid speaking over others. Please unmute yourself only when speaking.

Members of the public may request to listen in on this oral argument. If resources are available, the Board generally expects to grant such requests. If either party objects to the Board granting such requests, for example, because confidential information may be discussed, the party must notify the Board by contacting PTABHearings@uspto.gov at least five business days prior to the oral argument date.

In light of the foregoing, it is ORDERED that oral argument, conducted pursuant to the procedures outlined above, shall commence at 1:00 pm Eastern time on December 3, 2020.

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