

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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PERMIAN GLOBAL INC., and MANTICORE FUELS, LLC,  
Petitioner,

v.

FUEL AUTOMATION STATION, LLC,  
Patent Owner.

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IPR2023-01236 (Patent 10,815,118 B2)  
IPR2023-01237 (Patent 9,586,805 B1)  
IPR2023-01238 (Patent 10,974,955 B2)<sup>1</sup>

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Before CARL M. DeFRANCO, RICHARD H. MARSCHALL, and  
BRENT M. DOUGAL, *Administrative Patent Judges*.

DOUGAL, *Administrative Patent Judge*.

ORDER  
Setting Oral Argument  
*37 C.F.R. § 42.70*

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<sup>1</sup> This Order addresses issues that are identical in each of the above-identified cases. Accordingly, we exercise our discretion to issue one order to be filed in each case. The parties, however, are not authorized to use this style heading in any subsequent papers without prior authorization.

## I. ORAL ARGUMENT

### *A. Time and Format*

Oral argument will commence at **9 AM Mountain Time** on **December 5, 2024**, at the Denver, Colorado, USPTO Regional Office. The Board will provide a court reporter, and the reporter's transcript will constitute the official record of the hearing.<sup>2</sup>

Each party will have **90 minutes**. Petitioner will present its case, followed by Patent Owner. Petitioner and Patent Owner may both reserve rebuttal time. *See* Consolidated Trial Practice Guide<sup>3</sup> ("CTPG"), issued in November 2019, 83.

If either party desires a pre-hearing conference, the parties should jointly contact the Board at [Trials@uspto.gov](mailto:Trials@uspto.gov) at least 7 business days before the hearing. *See id.* at 82. "The purpose of the pre-hearing conference is to afford the parties the opportunity to preview (but not argue) the issues to be discussed at the hearing, and to seek the Board's guidance as to particular issues that the panel would like addressed by the parties." *Id.*

### *B. Demonstratives*

Per 37 C.F.R. § 42.70(b), demonstratives shall be served on opposing counsel at least 7 business days before the hearing. They should be filed<sup>4</sup> no later than 3 business days before the hearing.<sup>5</sup>

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<sup>2</sup> Hearings are typically open to the public. If there are any concerns about disclosing confidential information, the parties must contact the Board at [Trials@uspto.gov](mailto:Trials@uspto.gov) at least 10 business days before the hearing.

<sup>3</sup> Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

<sup>4</sup> Demonstratives should be filed as an Exhibit in P-TACTS.

<sup>5</sup> The parties may stipulate to an alternative schedule for serving demonstratives at least 7 business days before the hearing.

Demonstratives are not evidence and should not include new arguments. Rather, demonstratives aid the presentation of previously discussed arguments and evidence. Accordingly, demonstratives shall include “DEMONSTRATIVE EXHIBIT – NOT EVIDENCE” in the footer.

We recommend that demonstratives include citations to papers in the record. This allows the Board to easily ascertain whether “new” arguments or evidence is addressed. *See Dell Inc. v. Accelaron, LLC*, 884 F.3d 1364, 1369 (Fed. Cir. 2018) (holding that the Board’s regulations obligate dismissing argument “raised for the first time during oral argument”).

If a party objects to the propriety of any demonstrative, the parties shall meet and confer in good faith to resolve any objections to demonstratives prior to filing the objections with the Board. If such objections cannot be resolved, the parties may file any objections to demonstratives with the Board no later than the time of the hearing. The objections shall identify with particularity which portions of the demonstratives are subject to objection (and should 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 may reserve ruling on the objections. Any objection to demonstratives that is not timely presented will be considered waived.

### *C. Presenting Counsel*

The Board generally expects lead counsel for each party to be present at the hearing. *See* CTPG 11. Any counsel of record may present the party’s argument.

Parties are encouraged to participate in the LEAP program.<sup>6</sup> Either party may request that a qualifying LEAP practitioner participate in the program and conduct at least a portion of the party's oral argument. The Board will grant up to 15 minutes of additional argument time to that party. A party should submit the LEAP Practitioner Request for Oral Hearing Participation and Verification Form, at least 5 business days before the oral hearing, by email to the Board at PTABHearings@uspto.gov.

*D. Audio/Visual Equipment Requests*

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 the hearing, such as a request to accommodate deaf or hard-of-hearing individuals and blind or low vision individuals, and indicate how the PTAB may accommodate the special request. Any special requests must be presented in a separate communication at least 5 business days before the hearing.

## II. ORDER

Accordingly, it is

ORDERED that oral argument will commence at **9 AM Mountain Time on December 5, 2024**, at the Denver, Colorado, USPTO Regional Office, and proceed in the manner set forth herein.

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<sup>6</sup> Information about the LEAP program and the combined LEAP Practitioner Request for Oral Hearing Participation and Verification Form can be found at [www.uspto.gov/leap](http://www.uspto.gov/leap).

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Patents 10,815,118 B1, 9,586,805 B1, 10,974,955 B2

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