

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SHAW INDUSTRIES GROUP, INC.
Petitioner

v.

AUTOMATED CREEL SYSTEMS, INC.
Patent Owner

Case IPR2013-00132 (Patent 7,806,360 B2)
Case IPR2013-00584 (Patent 7,806,360 B2)¹

Before JOSIAH C. COCKS, JUSTIN T. ARBES, and
BRIAN J. McNAMARA, *Administrative Patent Judges*.

ARBES, *Administrative Patent Judge*.

ORDER
Trial Hearing
35 U.S.C. § 316(a)(10)

¹ This Order addresses an issue pertaining to both cases. Therefore, we exercise our discretion to issue one Order to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

Case IPR2013-00132 (Patent 7,806,360 B2)

Case IPR2013-00584 (Patent 7,806,360 B2)

Petitioner and Patent Owner requested a hearing in each of the above proceedings pursuant to 37 C.F.R. § 42.70(a). *See* IPR2013-00132, Papers 31, 33; IPR2013-00584, Papers 28, 30. The requests are *granted*.

The instant proceedings involve the same challenged patent and similar asserted prior art. Case IPR2013-00132 involves claims 1-3 and 5-21, and Case IPR2013-00584 involves claim 4. A combined hearing for both proceedings, therefore, is appropriate under the circumstances. Each party will have sixty (60) minutes of total time to present arguments for the two proceedings. Petitioner bears the ultimate burden of proof that the challenged claims are unpatentable. Therefore, Petitioner will proceed first to present its case as to the challenged claims in both proceedings, and may reserve rebuttal time. Patent Owner then will respond to Petitioner's case for both proceedings. After that, Petitioner may use the rest of its time to respond to Patent Owner's presentation.

The hearing will commence at 9:30 AM Eastern Time on May 1, 2014, and will be open to the public for in-person attendance on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. 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 hearing.

Under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served five business days prior to the hearing. The parties shall file any demonstrative exhibits with the Board two business days prior to the hearing and the parties must initiate a conference call with the Board at least two business days prior to the hearing to resolve any dispute over the propriety of each party's demonstrative exhibits. The parties are directed to *CBS*

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Interactive Inc. v. Helferich Patent Licensing, LLC, IPR2013-00033, Paper 118 (Oct. 23, 2013), regarding the appropriate content of demonstrative exhibits. The parties are reminded that the presenter must 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 reporter's transcript.

The Board expects lead counsel for Petitioner and Patent Owner to be present at the hearing, although any backup counsel may make the actual presentation, in whole or in part. If lead counsel for either party will not be in attendance at the hearing, the Board should be notified via a joint conference call no later than two days prior to the hearing to discuss the matter.

Finally, the Board will make a projector and screen available at the hearing for displaying demonstrative exhibits, should the parties choose to do so. Questions regarding specific audio-visual equipment should be directed to the Board at (571) 272-9797.

Case IPR2013-00132 (Patent 7,806,360 B2)

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