

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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BRYCER, LLC, and BRYCER MANAGEMENT, INC.  
Petitioner,

v.

TEGRIS, INC.,  
Patent Owner.

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IPR2023-01196  
Patent 11,126,966 B2

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Before HUBERT C. LORIN, MEREDITH C. PETRAVICK, and  
BRENT M. DOUGAL, *Administrative Patent Judges*.

LORIN, *Administrative Patent Judge*.

ORDER  
*Oral Argument*  
35 U.S.C. § 316(a)(10) and 37 C.F.R. § 42.7

We instituted an inter partes review proceeding as to claims 8–16 of U.S. Patent No. 11,126,966 B2 (“the ’966 patent”). Paper 9.

We indicated that an oral hearing would be conducted on October 24, 2024, if requested by the parties and granted by the Board. Paper 10. Both parties request oral argument, pursuant to 37 C.F.R. § 42.70(a), and request that it be held in-person at the USPTO headquarters in Alexandria Virginia. Papers 28, 1; 29, 1. The parties’ requests are granted.

The hearing will commence at **1:00 PM Eastern Time on October 24, 2024**, 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 **Hearing Room B**. In-person attendance will be accommodated on a first-come, first-served basis. We will provide a court reporter for the hearing, and the reporter’s transcript will constitute the official record of the hearing.

Petitioner requests 45 minutes of oral argument time. Papers 29, 1. Patent Owner does not request a period of time to present its argument. *See* generally Paper 28.

We have reviewed the issues that the parties intend to address in these proceedings, and we determine that each party will be accorded **45 minutes** of total argument time to address the challenged patent.

Petitioner bears the ultimate burden of proof that the challenged claims are unpatentable. 35 U.S.C. § 316(e). Therefore, Petitioner will first

present its case regarding the challenged claims at issue. After Petitioner's presentation, Patent Owner may respond to Petitioner's argument. Petitioner may respond to Patent Owner's argument using any time reserved for rebuttal. Patent Owner may then respond to Petitioner's rebuttal using any time reserved for sur-rebuttal.

Pursuant to 37 C.F.R. § 42.70(b), demonstrative exhibits, if any, must be served no later than seven (7) business days before the hearing date. They shall be filed with the Board no later than five (5) business days before the hearing date. Demonstrative exhibits are merely a visual aid for use at the hearing and are not evidence. Each slide should be clearly marked as such: for example, each slide may be marked with the words "DEMONSTRATIVE EXHIBIT – NOT EVIDENCE," in the footer. Demonstrative exhibits shall not introduce new arguments or evidence. The parties shall meet and confer to discuss any objections to demonstrative exhibits at least three (3) business days before the hearing. If any issues regarding demonstratives remain unresolved after the parties meet and confer, the parties shall file jointly a one-page list of objections to the demonstrative exhibits at least two (2) business days before the hearing. For each objection, the list must identify with particularity the demonstratives subject to the objection and include a short, one-sentence statement explaining the objection. We will consider the objections and schedule a conference call if necessary. For further guidance on what constitutes an appropriate demonstrative exhibit, the parties are directed to *CBS Interactive Inc. v. Helferich Patent Licensing, LLC*, Case IPR2013-00033 (PTAB Oct. 23, 2013) (Paper 118).

We take this opportunity to remind the parties that each 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.

Petitioner requests approval “that its attorneys be allowed to use computers at the hearing and the use of audio-visual equipment suitable to display papers of record and demonstrative exhibits, including a computer-connectable projector, an ELMO, and a screen.” Paper 29, 1. The request to use computers at the hearing is granted. The request to use audio-visual equipment, including a computer-connectable projector, an ELMO, and a screen, is granted depending on whether the Board can make said equipment available to the parties. To be certain the equipment is available, requests for audio-visual equipment, or other special accommodations, are to be made at least five (5) business days in advance of the hearing date. Such requests must be sent to <mailto:Trials@uspto.gov>. If the requests are not received timely, requested accommodations and/or equipment may not be available on the day of the hearing.

The Board generally expects lead counsel for each party to be present at the hearing. *See* Consolidated Trial Practice Guide<sup>1</sup> (“CTPG”), issued in November 2019, 11. Any counsel of record may present the party’s argument.

Parties are encouraged to participate in the Board’s LEAP program.<sup>2</sup> Either party may request that a qualifying LEAP practitioner participate in

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<sup>1</sup> Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

<sup>2</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).

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](mailto:PTABHearings@uspto.gov).

### ORDER

Accordingly, it is

ORDERED that Petitioner's and Patent Owner's requests for oral argument are granted subject to the conditions set forth in this Order, and

FURTHER ORDERED that the oral argument for this proceeding shall commence at **1:00 PM Eastern Time on October 24, 2024, at the USPTO headquarters in Alexandria, Virginia**, and proceed in the manner set forth herein.

IPR2023–01196  
Patent 11,126,966 B2

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