

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CHARLES RIVER LABORATORIES, INC.,
Petitioner,

v.

SEIKAGAKU CORPORATION,
Patent Owner.

IPR2025-00440 (Patent 11,236,318)
PGR2025-00023 (Patent 11,959,109)¹

Before SUSAN L. C. MITCHELL, MICHAEL J. FITZPATRICK, and
TAWEN CHANG, *Administrative Patent Judges*.

FITZPATRICK, *Administrative Patent Judge*.

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

¹ This Order is being entered in both proceedings. The parties may not file papers captioned for multiple proceedings unless specifically authorized.

I. ORAL ARGUMENT

Each of the parties, Petitioner, Charles River Laboratories, Inc., and Patent Owner, Seikagaku Corporation, filed requests for oral argument in both proceedings. PGR2025-00023, Papers 32 and 33; IPR2025-00440, Papers 38 and 39.² Oral argument is granted.

A. Time and Format

Oral argument will commence at 1:30 PM Eastern Time on June 9, 2026. *See* Paper 15 (Scheduling Order setting June 9, 2026, as the date for oral argument). The hearing will be in-person at the USPTO headquarters in Alexandria, VA, as requested by both parties.^{3, 4} Papers 32 and 33. However, Judge Fitzpatrick and Judge Chang will appear remotely.

The Board will provide a court reporter for the hearing, and the reporter's transcript will constitute the official record of the hearing.

"Petitioner requests that IPR2025-00440 and PGR2025-00023 be heard together and sequentially in view of the significant overlap in technical" and requests a total of ninety (90) minutes of argument time per party. Paper 32. Patent Owner does not specifically address whether it prefers a consolidated hearing but requests sixty (60) minutes per party per

² Hereafter, we cite to the record in PGR2025-00023 as exemplary of both cases.

³ If a party is no longer able to appear in-person for the hearing, the party must contact PTABHearings@uspto.gov as soon as possible.

⁴ Visitors to any USPTO facility where identification is required must present state-issued identification that is REAL ID-compliant. Alternatively, visitors can present another form of government-issued photo identification listed on the Department of Homeland Security Transportation Security Administration's Acceptable IDs webpage at <https://www.tsa.gov/travel/security-screening/identification>.

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case and thus a total of one hundred twenty (120) minutes per party. Paper 33. Given the significant overlap in the cases, ninety (90) minutes of argument time per party should be sufficient.

Thus, Petitioner will have a total of ninety (90) minutes to present argument, and Patent Owner will have a total of ninety (90) minutes to respond. Petitioner will open the hearing by presenting its cases regarding the challenged claims in both IPR2025-00440 and PGR2025-00023.

Thereafter, Patent Owner will respond to Petitioner's arguments in both cases. Petitioner may reserve rebuttal time to respond to arguments presented by Patent Owner. In accordance with the Consolidated Trial Practice Guide⁵ ("CTPG"), issued in November 2019, Patent Owner may request to reserve time for a brief sur-rebuttal. *See* CTPG 83. The parties may also wish to address Patent Owner's proposed substitute claim in IPR2025-00440 during oral argument, bearing in mind the parties' respective burdens with regard to issues relevant to Patent Owner's Revised Contingent Motion to Amend.

A single transcript of the entire consolidated hearing will be entered into the record of both cases.

The parties may request a pre-hearing conference in advance of 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.* If either party desires a pre-hearing conference, the parties should jointly contact the Board

⁵ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

at Trials@uspto.gov by DUE DATE 6 (as indicated in the Scheduling Order in this proceeding) to request a conference call for that purpose. Any request should include an agreed-upon set of issues for discussion and several proposed times for the conference. Any pre-hearing conference should take place at least three business days before the hearing date.

B. Demonstratives

As set forth in 37 C.F.R. § 42.70(b), demonstratives shall be served on opposing counsel at least seven (7) business days before the hearing date.⁶ The demonstratives should be filed no later than June 4, 2025.

Demonstratives are not a mechanism for making new arguments. Demonstratives also are not evidence, and will not be relied upon as evidence. Rather, demonstratives are visual aids to a party's oral presentation regarding arguments and evidence previously presented and discussed in the papers. Accordingly, demonstratives shall be clearly marked with the words "DEMONSTRATIVE EXHIBIT – NOT EVIDENCE" in the footer. *See Dell Inc. v. Accelaron, LLC*, 884 F.3d 1364, 1369 (Fed. Cir. 2018) (holding that the Board is obligated under its own regulations to dismiss untimely argument "raised for the first time during oral argument"). "[N]o new evidence may be presented at the oral argument." CTPG 85.

Furthermore, because of the strict prohibition against the presentation of new evidence or arguments at a hearing, it is strongly recommended that each demonstrative include a citation to the record.

⁶ The parties may stipulate to an alternative schedule for *serving* demonstratives.

Due to the nature of the Board's consideration of demonstratives and the opportunity afforded for the parties to reach an agreement without involving the Board, the Board does not anticipate that objections to demonstratives are likely to be sustained. Nevertheless, to the extent that 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 twenty-four (24) hours before 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 (1) 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.⁷

Finally, the parties are reminded that each presenter should identify clearly and specifically each paper (e.g., by slide or screen number for a demonstrative) referenced during the hearing to ensure the clarity and accuracy of the court reporter's transcript and for the benefit of all participants appearing electronically.

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 so long as that counsel is present in person.

⁷ If time permits, the Board may schedule a conference call with the parties to discuss any filed objections.

D. Remote Attendance Requests

Members of the public may request to listen to and/or view this hearing. 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 at PTABHearings@uspto.gov at least seven (7) business days prior to the hearing date. However, we do not anticipate such an objection as the entire record in both cases is publicly available.

E. Audio/Visual Equipment Requests

Any special requests for audio-visual equipment should be directed to PTABHearings@uspto.gov. A party may indicate any special requests related to appearing at a video 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 five (5) business days before the hearing date.

F. Legal Experience and Advancement Program

Parties are welcome to participate in the LEAP program.⁸ 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 fifteen minutes of additional argument time to that party. A party should submit the LEAP Practitioner Verification Form and

⁸ 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.

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Request for Oral Hearing Participation, at least five business days before the oral hearing, by email to the Board at PTABHearings@uspto.gov.

II. ORDER

Accordingly, it is

ORDERED that oral argument for this proceeding shall commence at 1:30 PM ET on June 9, 2026, in Hearing Room A at the USPTO headquarters in Alexandria, VA, and proceed in the manner set forth herein.

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