



UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DEPUY SYNTHES PRODUCTS, INC.,
Petitioner,

v.

MEDIDEA, L.L.C.,
Patent Owner.

Case IPR2018-00315
Patent 6,558,426 B1

Before FRANCES L. IPPOLITO, MICHAEL L. WOODS, and
RICHARD H. MARSCHALL, *Administrative Patent Judges*.

WOODS, *Administrative Patent Judge*.

ORDER
Denying Patent Owner's Request for Live Testimony
37 C.F.R. § 42.5

A conference call was held between the parties and the Board on January 23, 2019, to discuss Patent Owner’s request to allow Dr. Michael Masini—the inventor of the subject patent in this proceeding—to address the panel at oral hearing.¹

Patent Owner’s request is denied.

Dr. Masini did not provide any declaration evidence in this proceeding and he is not otherwise listed as a counsel of record. Accordingly, any testimony that Dr. Masini provides at the oral hearing would be new evidence and forbidden under our Trial Practice Guide. Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012) (“*No new evidence and arguments.* A party may rely upon evidence that has been previously submitted in the proceeding and may only present arguments relied upon in the papers previously submitted. No new evidence or arguments may be presented at the oral argument.”).

ORDER

For the reasons given, it is:

ORDERED that Patent Owner’s request that Dr. Michael Masini testify at the oral argument is *denied*.

¹ On January 17, 2019, Patent Owner e-mailed the Board requesting permission for a conference call to discuss Dr. Michael Masini’s participation at the oral hearing.

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