

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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**THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, UNIVERSITY  
OF VIENNA, AND EMMANUELLE CHARPENTIER**

Applications 15/947,680; 15/947,700; 15/947,718; 15/981,807; 15/981,808;  
15/981,809; 16/136,159; 16/136,165; 16/136,168; 16/276,361; 16/276,365;  
16/276,368; 16/276,374; 16/136,175,

**Junior Party**

v.

**SIGMA-ALDRICH CO., LLC**  
Application 15/456,204

**Senior Party**

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Patent Interference No. 106,132 (DK)  
(Technology Center 1600)

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**ORDER – Oral Argument**  
**37 C.F.R. § 41.124 and Standing Order ¶ 124**

Before DEBORAH KATZ, *Administrative Patent Judge*.

1 Both parties requested oral argument in this interference. (See Papers 801  
2 and 814.) Subsequently, Junior Party (“CVC”) withdrew its request in an e-mail  
3 dated 17 October 2022, in view of the decisions rendered previously in

Interference 106,132

1 Interferences 106,126 and 106,127. CVC indicated that it will attend if an oral  
2 argument is held.

3 It is ORDERED that Senior party's request for oral argument is GRANTED  
4 in light of the substantive differences between the subject matter of this proceeding  
5 and the prior interferences. Oral argument on the parties' preliminary motions is  
6 set for **17 November 2022 at 1:00 p.m. (EST)** by telephone (audio only). *See* 37  
7 C.F.R. § 41.124(c). The parties should be prepared to address the issues presented  
8 in their motions. Each party will have 20 minutes for argument, with the option of  
9 reserving up to five (5) minutes for rebuttal to the other party's arguments. Junior  
10 Party will present their arguments first, if it chooses to participate, followed by  
11 Senior Party.

12 It is further ORDERED that the requirement to provide three working copies  
13 of motions, oppositions, replies, and exhibits in 37 C.F.R. § 41.124(b) is waived  
14 for this proceeding. Each party bears the burden of presenting persuasive  
15 arguments and evidence in the motions it files to establish that it is entitled to relief  
16 requested in that motion. *See* 37 C.F.R. §§ 41.121(b) and 208(b). Thus, the  
17 written motions and supporting evidence filed by the parties, as well as the  
18 corresponding oppositions, replies, and supporting evidence, constitute the "trial"  
19 of an interference proceeding. To that end, trial testimony of witnesses is  
20 presented in the proceeding through written declarations and transcripts of cross-  
21 examination depositions submitted with the parties' briefs. Oral argument in an  
22 interference serves as means for the Board to question the parties on issues  
23 presented in their briefs and for the parties to summarize their arguments and the  
24 supporting evidence. Neither the oral argument nor demonstrative exhibits used

Interference 106,132

1 during the oral argument will fulfill the requirement that each party must meet its  
2 burden in the briefs previously filed. Neither the oral argument nor demonstrative  
3 exhibits constitute evidence (other than possible admissions). The demonstratives  
4 may not introduce new evidence or argument. Demonstrative exhibits must cite to  
5 the location of the evidence in the record.

6 Further information concerning oral argument can be found at 37 C.F.R.  
7 § 41.124 and Standing Order ¶ 124. To facilitate planning, each party must contact  
8 PTAB Hearings at (571) 272-9797 five (5) business days prior to the oral argument  
9 date to receive teleconference set-up information. As a reminder, all arrangements  
10 and the expenses involved with appearing must be borne by that party.

11 Demonstrative exhibits are not necessary, but if they are to be used they  
12 must be served at least five (5) business days before the oral argument and e-  
13 mailed to the Board at [Trials@uspto.gov](mailto:Trials@uspto.gov) or [BoxInterferences@uspto.gov](mailto:BoxInterferences@uspto.gov). The  
14 parties shall not file their demonstrative exhibits in the record of the proceedings  
15 without prior authorization from the Board. The Board will provide a court  
16 reporter for the oral argument. Any special requests should be directed to  
17 [PTABHearings@uspto.gov](mailto:PTABHearings@uspto.gov) not less than five (5) days before the hearing. The  
18 remote nature of the hearing may also result in an audio lag, and so the parties are  
19 advised to observe a pause prior to speaking, so as to avoid speaking over others.

20 Members of the public may request to listen in on this oral hearing. If  
21 resources are available, the Board generally expects to grant such requests. If  
22 either party objects to the Board granting such requests, the party must notify the  
23 Board by contacting [PTABHearings@uspto.gov](mailto:PTABHearings@uspto.gov) at least five (5) business days  
24 prior to the oral hearing date.

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