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Filed: January 13, 2022

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**  
Junior Party

(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; 16/136,175;  
16/276,361; 16/276,365; 16/276,368; and 16/276,374),

v.

**THE BROAD INSTITUTE, INC., MASSACHUSETTS INSTITUTE OF  
TECHNOLOGY, and PRESIDENT AND FELLOWS OF HARVARD  
COLLEGE,**  
Senior Party

(Patents 8,697,359; 8,771,945; 8,795,965; 8,865,406; 8,871,445; 8,889,356;  
8,895,308; 8,906,616; 8,932,814; 8,945,839; 8,993,233; 8,999,641,  
9,840,713, and Application 14/704,551).

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Patent Interference No. 106,115 (DK)

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

Before, DEBORAH KATZ, *Administrative Patent Judge*.

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1 Both parties requested oral argument in this interference. (*See* Papers 2790  
2 and 2794.)

3 It is ORDERED that the parties' requests for oral argument are GRANTED.  
4 Oral argument on the parties' preliminary motions is set for **4 February 2021 at**  
5 **1:00 p.m. (EST) by telephone (audio only)**. *See* 37 C.F.R. § 41.124(c). The  
6 parties should be prepared to address the issues presented in their motions. Each  
7 party will have 20 minutes for argument, with the option of reserving up to five  
8 (5) minutes for rebuttal to the other party's arguments. Junior Party will present  
9 their arguments first, followed by Senior Party.

10 It is further ORDERED that the requirement to provide three working copies  
11 of motions, oppositions, replies, and exhibits in 37 C.F.R. § 41.124(b) is waived  
12 for this proceeding.

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

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1 the briefs previously filed. Neither the oral argument nor demonstrative exhibits  
2 constitute evidence (other than possible admissions). The demonstratives may not  
3 introduce new evidence or argument. Demonstrative exhibits must cite to the  
4 location of the evidence in the record.

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

10 Demonstrative exhibits are not necessary, but if they are to be used they  
11 must be served at least five (5) business days before the oral argument and e-  
12 mailed to the Board at [Trials@uspto.gov](mailto:Trials@uspto.gov) or [BoxInterferences@uspto.gov](mailto:BoxInterferences@uspto.gov). The  
13 parties shall not file their demonstrative exhibits in the record of the proceedings  
14 without prior authorization from the Board.

15 The Board will provide a court reporter for the oral argument. Any special  
16 requests should be directed to [PTABHearings@uspto.gov](mailto:PTABHearings@uspto.gov) not less than five  
17 (5) days before the hearing. The remote nature of the hearing may also result in an  
18 audio lag, and so the parties are advised to observe a pause prior to speaking, so as  
19 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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