

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SHAW INDUSTRIES GROUP, INC.
Petitioner

v.

AUTOMATED CREEL SYSTEMS, INC.
Patent Owner

Case IPR2013-00132
Patent 7,806,360 B2

Before JOSIAH C. COCKS, JUSTIN T. ARBES, and
BRIAN J. McNAMARA, *Administrative Patent Judges*.

ARBES, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5

A conference call in the above proceeding was held on April 29, 2014, among respective counsel for Petitioner and Patent Owner, and Judges Cocks, Arbes, and McNamara. The parties requested the call to address objections to proposed demonstrative exhibits served pursuant to 37 C.F.R. § 42.70(b). Patent Owner stated that it did not object to any of Petitioner's

proposed demonstrative exhibits. Petitioner objected to certain proposed demonstrative exhibits of Patent Owner that depicted annotated versions of Figure 13 from the challenged patent. Petitioner argued that the annotated figures are improper because they do not appear in Patent Owner's response. Patent Owner agreed that the annotated figures are not in the response, but argued that the figures demonstrate the argument Patent Owner made in the response that yarn would become entangled if the teachings of the prior art references at issue were combined. *See, e.g.*, Paper 18 at 30-32. Patent Owner also argued that the figures are clearer than the annotated Figure 4 of Münnekehoff shown on page 31 of the response.

We determined that under the particular factual circumstances of this case, although the specific annotated figures were not included in Patent Owner's response, they are appropriately illustrative of the entanglement argument made in the response. Demonstrative exhibits are merely visual aids to a party's oral presentation, and are not evidence. *See CBS Interactive Inc. v. Helferich Patent Licensing, LLC*, IPR2013-00033, Paper 118 at 3-4 (Oct. 23, 2013). We informed the parties that Patent Owner may use the demonstrative exhibits at issue at the hearing. Patent Owner subsequently filed its demonstrative exhibits as Exhibit 2005.

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