

RECORD OF ORAL HEARING

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

THE UNITED STATES POSTAL SERVICE (USPS) AND
THE UNITED STATES OF AMERICA, AS REPRESENTED
BY THE POSTMASTER GENERAL

Petitioner

vs.

RETURN MAIL, INC.

Patent Owner

CBM 2014-00116
Application No. 10/057608
Technology Center 3600
Patent 6,826,548 B2

Oral Hearing Held: May 12, 2015

Before: BARBARA A. BENOIT, KEVIN F. TURNER (via video),
JO-ANNE M. KOKOSKI, Administrative Patent Judges

The above-entitled matter came on for hearing on Tuesday, May 12, 2015 at
the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria,
Virginia in Courtroom D at 1:00 p.m.

APPEARANCES:

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P R O C E E D I N G S

(1:00 p.m.)

JUDGE BENOIT: Please be seated. Good afternoon. We will hear argument now in Case Number IPR 2014-00116, the United States Postal Service and the United States of America as represented by the Postmaster General versus Return Mail, Incorporated.

This case concerns U.S. patent Number 6,826,548. Counsel for the parties, will you please introduce yourselves?

MR. LAVENUE: Hello, Your Honors, Lionel Lavenue from Finnegan for the United States Postal Service.

MR. ADAMS: Eric Adams for the Patent Owner, Return Mail, Inc.

JUDGE BENOIT: Welcome.

Per our order dated April 21st, 2015, each side will have one hour to argue. Petitioner also may reserve rebuttal time.

I would like to remind the parties that the hearing is open to the public and a full transcript of this hearing will be made part of the record.

Please bear in mind that Judge Turner is attending this hearing by video. Judge Turner, can you hear us?

JUDGE TURNER: I can hear you.

JUDGE BENOIT: Thank you. We can hear you as well. I would like to remind the parties to mention each slide

1 number or each page number as you refer to it in your
2 demonstratives. This will make the record clear.

3 Before we begin with your arguments, the panel
4 would like to address Patent Owner's many general objections
5 to Petitioner's demonstratives.

6 First, we would like to note the demonstratives are
7 not evidence but, rather, demonstratives are an aid to the oral
8 argument. We also note that Patent Owner's objections are
9 general, such as this slide contains new arguments or this slide
10 contains new evidentiary citations and in large measure do not
11 identify with particularity the new argument or the new
12 citation on the slide is required.

13 Moreover, the panel is capable of determining
14 whether information of a demonstrative is improper, and we
15 will not rely on such information in our final written decision.
16 Nor is there a jury present that might be confused by such
17 information.

18 Patent Owner, we note your objections. The
19 Petitioner, we also note your response.

20 We will not spend time this afternoon ruling on
21 any of the numerous objections. I also will note for the record
22 that in response to Patent Owner's objections, Petitioner
23 removed one slide and the demonstrative submitted as
24 Exhibit 1029 does not include the removed slide.

1 I understand slide numbers on Petitioner's
2 demonstratives shown today will match the slide numbers in
3 Exhibit 1029. Is that correct?

4 MR. LAVENUE: Yes, Your Honor.

5 JUDGE BENOIT: Thank you. We're now ready to
6 hear from Petitioner.

7 MR. LAVENUE: Thank you, Your Honor. A few
8 housekeeping matters first. We would like to reserve 30
9 minutes of rebuttal time.

10 JUDGE BENOIT: Okay.

11 MR. LAVENUE: Also, Your Honors, I am not sure
12 if you have a printout. Excuse me, Judge Turner, I can't hand
13 it to you, but I have a printout of our demonstratives and of
14 the patents and the prior art reference. May I hand those up?

15 JUDGE BENOIT: Please.

16 MR. LAVENUE: Thank you.

17 JUDGE BENOIT: Thank you.

18 MR. LAVENUE: So with that, Your Honors, I will
19 begin. Thank you very much for the time today.

20 Judge Turner, I will be referring to Petitioner's
21 demonstratives. If at any time I'm not referring to the page
22 numbers adequately, please let me know. We are also
23 projecting on the screen here. And so if there is any
24 confusion, just let me know, and I will provide the number, the
25 slide number that we are on.

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