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Petitioners,

v.

BOZEMAN FINANCIAL LLC,
Patent Owner.

Case CBM2017-00035 (Patent 6,754,640 B2)
Case CBM2017-00036 (Patent 8,768,840 B2)¹

Record of Oral Hearing
Held: April 5, 2018,

Before MICHAEL W. KIM, WILLIAM V. SAINDON, and KEVIN W. CHERRY, *Administrative Patent Judges*.

¹ The Board is entering this Hearing Transcript in each proceeding. The parties are not authorized to use a caption identifying multiple proceedings.

Case CBM2017-00035 (Patent 6,754,640 B2)

Case CBM2017-00036 (Patent 8,768,840 B2)

APPEARANCES:

ON BEHALF OF THE PETITIONER:

NATASHA H. MOFFITT, ESQUIRE

LORI GORDON, ESQUIRE

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ON BEHALF OF THE PATENT OWNER:

JOHN W. GOLDSCHMIDT, JR., ESQUIRE

Ference & Associates LLC

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and

THOMAS J. MAIORINO, ESQUIRE

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The above-entitled matter came on for hearing on Thursday, April 5, 2018, commencing at 1:30 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

1 P R O C E E D I N G S

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3 JUDGE CHERRY: Good afternoon. This is the hearing in
4 CBM2017-00035 and 36. Will the parties -- I'm Judge Cherry. This is
5 Judge Kim and Judge Saindon.

6 Will the parties please identify themselves?

7 MS. MOFFITT: Good afternoon, Your Honor. This is Natasha Moffitt.
8 I'm with King & Spalding. I'm counsel for the 12 Petitioners and I have with
9 me today Lori Gordon, also from King & Spalding.

10 MR. GOLDSCHMIDT: Yes, Your Honor. It's John Goldschmidt. I'm
11 from Ference & Associates and representing the Patent Owner and today --

12 MR. MAIORINO: Good afternoon. Thomas Maiorino, also for the
13 Patent Owner.

14 JUDGE CHERRY: Great.

15 As an initial matter, we were reviewing the docket and, Mr. Maiorino, it
16 appears you're appearing pro hac vice; is that correct?

17 MR. MAIORINO: I believe so.

18 JUDGE CHERRY: Did you file a motion for pro hac vice?

19 MR. MAIORINO: I mean, I believe we did. We dealt with that a long
20 time ago.

21 JUDGE CHERRY: Because it doesn't appear to be in the file.

22 MR. MAIORINO: Yeah, again, I think we had some issues with the
23 filing system. John?

24 JUDGE CHERRY: So I guess to the extent you're -- are you planning on
25 talking today?

26 MR. MAIORINO: We were, yes.

1 JUDGE CHERRY: Well, I don't know how we can have you talk if you
2 haven't been properly admitted.

3 MR. MAIORINO: Yeah, I mean, it's hard to believe that this is just
4 coming up on hearing date, but, you know, I guess we -- you know, it was
5 our burden.

6 JUDGE CHERRY: Yeah. I mean, it's your obligation to keep abreast of
7 the docket.

8 MR. MAIORINO: Yeah, I know there's a motion. Like we had a motion
9 to seal, that didn't show up. We had a motion and that didn't show up. Now
10 I'm hearing it didn't show up. I don't have access to the docket right now.

11 JUDGE CHERRY: Okay. Let me -- all right. We can go through -- we
12 can try to -- we can admit you here on the record, but we have to go through
13 the requirements.

14 Does the Petitioner object to this?

15 MS. MOFFITT: Your Honor, if they want to make an oral motion to
16 have Mr. Maiorino admitted pro hac, we don't have any objection.

17 JUDGE CHERRY: Thank you. All right. So we'll -- are you willing to
18 do that, Mr. Maiorino?

19 MR. MAIORINO: Yes, Your Honor.

20 JUDGE CHERRY: All right. So Mr. Goldschmidt will be the lead
21 counsel?

22 MR. GOLDSCHMIDT: Yes, Your Honor.

23 JUDGE CHERRY: Okay. And you're a registered practitioner?

24 MR. GOLDSCHMIDT: I am.

25 JUDGE CHERRY: And I guess what is your familiarity, Mr. Maiorino,
26 with this matter that would warrant and make you pro hac vice?

Case CBM2017-00035 (Patent 6,754,640 B2)

Case CBM2017-00036 (Patent 8,768,840 B2)

1 MR. MAIORINO: I've been representing the Patent Owner on this
2 matter as co-counsel since approximately 2007 or that time frame. So I've
3 been intimately involved with it since that time frame through today.

4 JUDGE CHERRY: And what bars do you belong to?

5 MR. MAIORINO: I'm admitted to Pennsylvania, New Jersey. I'm active
6 in the State of New Jersey in good standing.

7 JUDGE CHERRY: And are you in good standing in Pennsylvania, too?

8 MR. MAIORINO: No. I'm inactive in Pennsylvania.

9 JUDGE CHERRY: Oh, inactive in Pennsylvania, but you're active and
10 in good standing in New Jersey.

11 MR. MAIORINO: Yes.

12 JUDGE CHERRY: And are you -- have you ever been suspended or
13 disbarred from practice before any court or administrative body?

14 MR. MAIORINO: No, sir.

15 JUDGE CHERRY: Have you ever been -- have you ever had a court or
16 administrative body deny your application for admission to practice?

17 MR. MAIORINO: No, sir.

18 JUDGE CHERRY: And have you ever had a court or administrative
19 body impose sanctions or contempt citations against you?

20 MR. MAIORINO: No, sir.

21 JUDGE CHERRY: And have you read and agreed to comply to
22 the -- with the Office of Patent Trial -- excuse me, have you read and
23 agreed to comply with the Office Patent Trial Guide and the Board's Rules
24 for Practice for Trials as set forth in 37 CFR Part 42?

25 MR. MAIORINO: Yes, I have.

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