

RECORD OF ORAL HEARING

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

K40 ELECTRONICS, LLC

Petitioner

vs.

ESCORT, INC.

Patent Owner

Case Nos. IPR2013-00203 and IPR2013-00240

U.S. Patent Nos. 7,999,721 and 6,670,905

Record of Oral Hearing

Held: June 17, 2014

Before: GLENN J. PERRY, THOMAS L. GIANNETTI,
TRENTON WARD, *Administrative Patent Judges*.

The above-entitled matter came on for hearing on Tuesday, June 17, 2014 at the
U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

1 APPEARANCES:

2 ON BEHALF OF THE PETITIONERS:

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12 ON BEHALF OF THE PATENT OWNER:

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P R O C E E D I N G S

(1:00 p.m.)

JUDGE GIANNETTI: Please be seated.

Good afternoon and welcome. We are here today for the final hearing in two IPR proceedings, IPR 2013-00203 and 2013-00240. The parties involved are K40 Electronics, LLC versus Escort Inc.

First, let me introduce the panel. I'm Judge Giannetti. I will be presiding today. To my right is Judge Perry. To my left is Judge Ward.

This is the first AIA hearing in which we will have live testimony. I want to begin by thanking our hearing staff, Quita Gould, John Dill, and others who have made the arrangements for this hearing, including providing us with a witness stand, which we do not normally use. Thank you very much. I know they put a lot of work into this. I'm sure everything will go smoothly.

Today we will be hearing testimony from Mr. Orr, who is the inventor of the two patents involved in these proceedings. Those are patents 7,999,721 and 6,670,905. He will be testifying concerning the making of the invention that is claimed in the patents.

As we said in our order that granted the motion from the Patent Owner for live testimony, we don't expect this to be the norm, and it was a product here of the

1 specific circumstances of the case.

2 Let me explain the format that we are going to
3 follow today. We will have Mr. Orr's testimony first,
4 one-half hour of direct testimony. At that point the
5 Petitioner will have the opportunity to cross-examine Mr.
6 Orr. There may then be some questions from the panel for Mr.
7 Orr.

8 We will then take a short recess, and then have
9 afterward the final oral arguments in the case, which will be
10 one hour per side.

11 Let me get the appearances of counsel. First for
12 the Petitioner, who is appearing today?

13 MR. McKEOWN: Scott McKeown for Petitioner K40.

14 MR. KIKLIS: Mike Kiklis for Petitioner.

15 JUDGE GIANNETTI: Mr. McKeown and Mr. --

16 MR. KIKLIS: -- Kiklis.

17 JUDGE GIANNETTI: Kiklis. Could you spell that,
18 Mr. Kiklis?

19 MR. KIKLIS: K-i-k-l-i-s.

20 MR. McKEOWN: And Mr. Gardella, who is lead
21 counsel, is sitting behind me.

22 JUDGE GIANNETTI: Okay. Mr. Kiklis, are you
23 admitted to this -- you are not backup counsel, are you?

24 MR. KIKLIS: I am backup counsel.

25 JUDGE GIANNETTI: You are backup counsel?

1 MR. KIKLIS: Yes.

2 JUDGE GIANNETTI: Okay. Are you -- do you have
3 Patent Office registration?

4 MR. KIKLIS: 38939, Your Honor.

5 JUDGE GIANNETTI: All right, fine. Who is
6 appearing for the Patent Owner?

7 MR. HUMPHREY: Thomas Humphrey, and I'm lead
8 counsel, and John Davis, who is second counsel.

9 JUDGE GIANNETTI: Okay. Welcome to counsel.

10 Do you have any questions about the proceedings,
11 Patent Owner or Petitioner? Everything clear? All right.

12 So with that -- is Mr. Orr in the hearing room
13 here?

14 MR. HUMPHREY: He is here.

15 JUDGE GIANNETTI: Mr. Orr, why don't you come
16 forward.

17 MR. ORR: Okay.

18 JUDGE GIANNETTI: Do we have a microphone for Mr.
19 Orr?

20 MR. ORR: I have it already.

21 JUDGE GIANNETTI: Okay. So, Mr. Orr, you have
22 your microphone.

23 Why don't you stand there and raise your right
24 hand and our reporter will swear you in.

25

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