

RECORD OF ORAL HEARING
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TRW AUTOMOTIVE US LLC,
Petitioner,
v.
MAGNA ELECTRONICS INC.,
Patent Owner.

Case IPR2014-00256
U.S. Patent No. 7,459,664

Oral Hearing Held on Thursday, February 19, 2015

Before: JUSTIN T. ARBES, NEIL T. POWELL, and JO-ANNE M.
KOKOSKI, Administrative Patent Judges.

The above-entitled matter came on for hearing on Thursday, February 19, 2015, at 10:29 a.m., in Hearing Room B, taken at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

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P R O C E E D I N G S

(10:29 a.m.)

JUDGE ARBES: Good morning, everyone. Please be seated. This is the second day of cases in a set of six related cases.

This morning we will hear IPR2014-00256, involving Patent 7,459,664. IPR2014-00260 and IPR2014-00264 have been consolidated with IPR-00256.

We will follow the same procedures as yesterday. Both parties will have 45 minutes to present arguments. Petitioner will go first and present its case. Patent Owner will respond. And then Petitioner may use any remaining time within the 45 minutes.

Any questions before we begin today?

MR. CORNWELL: Your Honor, I do have one question.

JUDGE ARBES: Yes.

MR. CORNWELL: Yesterday you asked us not to interrupt the other side with objections, and I think that's correct, I think that's the proper procedure, but yesterday everything that you saw on the ELMO were not demonstratives that had been produced to us. They were outside the demonstratives.

And I'm wondering -- and it has been my understanding, that unless we were served with

1 demonstratives, they are really not supposed to be using them.
2 And it seems to me they are using the ELMO as an excuse to
3 put things up that have not been served on us, and so they
4 were surprises.

5 And I was wondering if -- I mean, obviously if you
6 don't agree with that characterization, that's fine -- do you
7 want us to let you know during our session, during our talks
8 that, in fact, most of their demonstratives, in fact yesterday
9 all of the things you saw on the ELMO, were not things that
10 had been served on us?

11 JUDGE ARBES: Sure. I think some of the things
12 that were shown were some of the Patent Owner's
13 demonstratives and some were pages from the record.

14 So why don't we deal with those today on a
15 case-by-case basis. So if that does occur today, please raise it
16 in your presentation.

17 MR. CORNWELL: Okay. I certainly don't want to
18 sound petty, but I did want to address the Court on that.

19 JUDGE ARBES: Thank you.

20 MR. CORNWELL: Thank you.

21 JUDGE ARBES: Any other questions before we
22 begin?

23 MR. SENDEK: No, Your Honor.

24 JUDGE ARBES: Okay. Petitioner, you may
25 proceed.

1 MR. SENDEK: Thank you, Your Honor. And I
2 would like to reserve 15 minutes of my time for rebuttal. And
3 my co-counsel will hand up hard copies of our demonstratives.
4 And these, like all of the items in the record, were served on
5 counsel for the Patent Owner.

6 Your Honors, my name is Tim Sendek. I am acting
7 as lead counsel here today for the Petitioner TRW Automotive
8 U.S. LLC.

9 With me today also from Lathrop & Gage are Mr.
10 Hissan Anis and Mr. Justin Poplin.

11 If you go to slide 1 of the demonstratives we just
12 handed out, as the Board just noted, today we are here to
13 discuss several consolidated cases regarding the '664 patent.
14 There are three grounds of review covering 28 claims total.

15 In so instituting those grounds of review, the
16 Board has determined that Petitioner is reasonably likely to
17 prevail on the showings made in the petition.

18 This patent shares the same specification with all
19 of the patents we discussed yesterday, the '023, the '248, the
20 '149, as well as both patents we will be talking about this
21 afternoon.

22 The prior art at issue is various combinations of
23 the Kenue, Kakinami, Vellacott and Yanagawa reference. The
24 primary reference, the Kenue reference, is a General Motors
25 patent using a CCD camera to detect lane markers in the

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