

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

TOSHIBA CORPORATION,  
Petitioner,

v.

OPTICAL DEVICES, LLC,  
Patent Owner.

---

Case IPR2014-01439, Patent RE42,913

Case IPR2014-01441, Patent RE43,681

Case IPR2014-01443, Patent RE40,927

---

Held: January 12, 2016

---

BEFORE: ERICA A. FRANKLIN, GLENN J. PERRY,  
and JAMES B. ARPIN, Administrative Patent Judges.

The above-entitled matter came on for hearing on Tuesday,  
January 12, 2016, commencing at 10:01 a.m., at the U.S.  
Patent and Trademark Office, 600 Dulany Street,  
Alexandria, Virginia.

Case IPR2014-01439, Patent RE42,913  
Case IPR2014-01441, Patent RE43,681  
Case IPR2014-01443, Patent RE40,927

APPEARANCES:

ON BEHALF OF THE PETITIONER:

ALAN A. LIMBACH, ESQ.  
ROBERT C. WILLIAMS, ESQ.  
DLA Piper, LLC  
2000 University Avenue  
East Palo Alto, California 94303-2215

ON BEHALF OF THE PATENT OWNER:

STEPHEN J. TYTRAN, ESQ.  
Optical Devices, LLC  
20 Depot Street, Suite 2A  
Peterborough, New Hampshire 03458

and

THEODOSIUS THOMAS, ESQ.  
CHERYL RAMEY, ESQ.  
Scenera Research  
5400 Trinity Road, Suite 303  
Raleigh, North Carolina 27607



Case IPR2014-01439, Patent RE42,913

Case IPR2014-01441, Patent RE43,681

Case IPR2014-01443, Patent RE40,927

1 we're talking about and to stay near the  
2 microphone. If you drift too far from the  
3 microphone, he won't be able to hear very well.  
4 So I would appreciate that accommodation. Some  
5 of us have a tendency to drift away. Please  
6 fight that urge if you -- if it's happening to  
7 you.

8 Judge Arpin, please jump in whenever you  
9 feel the need with a question. I know there's a  
10 very slight delay, and we'll try to accommodate  
11 that, of course.

12 I'm presuming that you wish to present  
13 argument with Petitioner handling its entire  
14 argument and then Patent Owner handling its  
15 entire argument. If you've agreed otherwise,  
16 please tell me. If you'd prefer to bounce it  
17 back and forth for each the case or some other  
18 approach, whatever way you've agreed to is fine.  
19 Otherwise, we'll have Petitioner argue their 90  
20 minutes and then Patent Owner.

21 MR. TYTRAN: Hello, Judge. I had planned  
22 at least to have Mr. Limbach present his case in  
23 chief, then my case in chief on the Motion to  
24 Amend and then let him --

Case IPR2014-01439, Patent RE42,913

Case IPR2014-01441, Patent RE43,681

Case IPR2014-01443, Patent RE40,927

1 JUDGE PERRY: You know --

2 JUDGE ARPIN: This is perhaps a good time

3 to remind you that if you don't speak at the

4 microphone, I cannot hear what you're saying.

5 MR. TYTRAN: Apologies, Judge Arpin.

6 My name is Stephen Tytran for Optical

7 Devices. I had planned that Mr. Limbach would

8 present his case in chief; that I would present

9 my case in chief on the Motion to Amend; and then

10 rebuttal; and then I would also reserve time at

11 the end for rebuttal.

12 MR. LIMBACH: Alan Limbach for Toshiba.

13 That was my understanding as well, that I would

14 begin by our case in chief on the original

15 claims; and then they would rebut, as well as

16 present on their Motion to Amend; and then I

17 would come up and oppose their Motion to Amend.

18 JUDGE PERRY: Yes, okay. That works just

19 fine. So we will then begin with Petitioner.

20 When you're ready, please begin. And

21 if you want to reserve time for rebuttal, please

22 tell us how much, and we'll try to keep track of

23 the clock for you.

24 MR. LIMBACH: Okay. So good morning, your

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.