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Case IPR2014-01439, Paper No. 36
Case IPR2014-01441, Paper No. 35
Case IPR2014-01443, Paper No. 37
February 5, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE
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BEFORE THE PATENT TRIAL AND APPEAL BOARD
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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

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Held: January 12, 2016
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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.

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

1	P R O C E E D I N G S
2	- - - - -
3	JUDGE PERRY: Good morning. Be seated.
4	Judge Arpin, can you hear us okay?
5	JUDGE ARPIN: Yes, Judge Perry.
6	JUDGE PERRY: Good, okay. Well, welcome,
7	everyone. We're going to be together for two
8	days, about three hours on each day. So I want
9	to say right off the bat if anyone feels the need
10	for a break, please let us know, and we'll take a
11	short recess. Also, I don't know whether you
12	want to have a long break in between -- so
13	you have an opportunity to go eat something,
14	since we're running over the lunch hour. If you
15	do, you know, let me know, and we'll take a
16	longer break. Otherwise, I'll assume we're going
17	to take perhaps ten minutes between sides.
18	We're here today to hear argument, Toshiba
19	versus Optical Devices, the patent owner, in
20	three cases, IPR2014-01439, 41, and 43 dealing
21	with Patents RE42,913; 43,681; and Reissue 40,927.
22	As you see, Judge Arpin is attending by
23	video, so I'd like to request that we all be
24	extra careful to refer clearly to the exhibit

3

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 --

4

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

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