

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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TIFFANY AND COMPANY,  
Petitioner,

v.

LAZARE KAPLAN INTERNATIONAL, INC.,  
Patent Owner.

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Case IPR2015-00024  
Patent 6,476,351

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Held: January 21, 2016

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BEFORE: MICHAEL P. TIERNEY, MICHELLE R. OSINSKI,  
JEFFREY W. ABRAHAM, Administrative Patent Judges.

The above-entitled matter came on for hearing on Thursday,  
January 21, 2016, commencing at 10:00 a.m., at the U.S. Patent  
and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

Case IPR2015-00024  
Patent 6,476,351

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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1                   JUDGE ABRAHAM: Welcome. Now, according to  
2 the January 4th, 2016 order, each side will have 45 minutes to  
3 argue. Petitioner will go first and may reserve time for rebuttal.  
4 Patent Owner may not reserve rebuttal time. I'll remind the  
5 parties that Petitioner bears the burden of proving any proposition  
6 of unpatentability by the preponderance of evidence and also  
7 remind the parties that this hearing is open to the public and a full  
8 transcript of it will become part of the record.

9                   Judge Osinski has a copy of the demonstratives, but  
10 please remember to mention each slide number during the  
11 presentation so that will be recorded in the record accurately and  
12 also to ensure that Judge Osinski can keep track and follow your  
13 presentation.

14                   With that I'll invite Petitioner to begin.

15                   MR. MUSSELMAN: Your Honor, I have a courtesy  
16 hard copy of the demonstratives if you're interested in seeing  
17 them.

18                   JUDGE ABRAHAM: Thank you.

19                   MR. MUSSELMAN: Good morning, Your Honors.  
20 As I mentioned, my name is Wes Musselman. I'm counsel for  
21 Petitioner Tiffany and Company in this proceeding. We'd like to  
22 reserve ten minutes or the rest of our allotted time for rebuttal.

23                   So I'll just jump right into our presentation. Turning  
24 to Slide 2, we've got an outline for our proposed presentation.  
25 We're going to begin with the motion to exclude. We'll highlight

1 a few issues there, a summary of the claims at issue. We'll  
2 address the claim construction issues, and then Mr. Bonilla will  
3 handle the remainder of our presentation, covering a review of the  
4 instituted grounds and the prior art and finish with addressing  
5 secondary considerations.

6 So switching of -- Slide 3, we'll address the motion  
7 to exclude.

8 And on Slide 4, we'd like to address four categories  
9 of documents and information in our exclude. We feel it's  
10 important to do because the Patent Owner's demonstratives,  
11 approximately one-third of them, rely upon evidence that's been  
12 objected to and is the subject of the motion to exclude.

13 The four general categories I've just mentioned the  
14 highlights of, the first one is the expert declaration, primarily the  
15 declaration of Dr. Bokor. Second will be the deposition transcript  
16 of Dr. Christensen and accompanying materials. Third is the  
17 declaration of Moryto the CFO of the Patent Owner, LKI. Fourth  
18 one are a number of documents relied upon by Mr. Moryto and  
19 LKI in an attempt to establish secondary considerations and  
20 patentability through commercial success.

21 So moving to Slide 5, as shown on the screen, 37  
22 CFR 42.65 governs expert testimony. I'm sure you know it well.  
23 But it provides that expert testimony that doesn't disclose the  
24 underlying facts or data upon which the opinion is based is  
25 entitled to little or no weight.

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