

RECORD OF ORAL HEARING
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CAMELBAK PRODUCTS, LLC,

Petitioner,

vs.

IGNITE USA, LLC,

Patent Owner.

Case IPR2015-01034
Patent 8,863,979 B2
Technology Center 3700
Oral Hearing Held: Monday, May 9, 2016

Before: SALLY C. MEDLEY, KEN B. BARRETT, and
AMANDA F. WIEKER, Administrative Patent Judges.

The above-entitled matter came on for hearing on Monday,
May 9, 2016, at 10:00 a.m., Hearing Room A, taken at the U.S. Patent and
Trademark Office, 600 Dulany Street, Alexandria, Virginia.

REPORTED BY: RAYMOND G. BRYNTESON, RMR,
CRR, RDR

APPEARANCES:

ON BEHALF OF THE PETITIONER:

DAVID D'ASCENZO, ESQ.
D'Ascenzo Intellectual Property Law, P.C.
1000 SW Broadway
Suite 1555
Portland, Oregon 97205
503-224-7529

STEVEN M. WILKER, ESQ.
Tonkon Torp LLP
1600 Pioneer Tower
888 SW Fifth Avenue
Portland, Oregon 97204
503-802-2040

ON BEHALF OF THE PATENT OWNER:

STEPHEN M. SCHAETZEL, ESQ.
DAVID S. MORELAND, ESQ.
Meunier Carlin & Curfman LLP
999 Peachtree Street NE
Suite 1300
Atlanta, Georgia 30309
404-645-7700

1 P R O C E E D I N G S

2 (10:00 a.m.)

3 JUDGE WIEKER: This is the oral hearing for
4 IPR2015-01034 between Petitioner, Camelbak Products, LLC
5 and Patent Owner, Ignite USA, LLC concerning U.S. Patent
6 Number 8,863,979.

7 Counsel for the parties, please introduce
8 yourselves starting with Petitioner.

9 MR. D'ASCENZO: Dave D'Ascenzo.

10 MR. WILKER: Steven Wilker.

11 JUDGE WIEKER: Thank you. Patent Owner?

12 MR. MORELAND: David Moreland for Patent
13 Owner Ignite USA.

14 MR. SCHAETZEL: Steve Schaetzel.

15 JUDGE WIEKER: Thank you. Thank you and
16 welcome to the Board.

17 Per our April 13th order, each side will have 30
18 minutes to present their arguments. Petitioner will proceed
19 first to present its case with respect to the challenged claims
20 and the grounds on which the Board instituted trial.

21 Patent Owner will then have an opportunity to
22 respond to Petitioner's presentation. Petitioner, you may
23 reserve rebuttal time to respond to Patent Owner's argument.

1 And as a reminder, please mention the slide
2 number if you refer to any demonstrative exhibits so that it
3 will be reflected in the record.

4 With that, Mr. D'Ascenzo, would you like to begin
5 and would you like to reserve any rebuttal time?

6 MR. WILKER: I will be doing the argument. This
7 is Steven Wilker.

8 JUDGE WIEKER: Okay.

9 MR. WILKER: And I would like to reserve half of
10 my time for rebuttal.

11 JUDGE WIEKER: Okay.

12 MR. WILKER: Good morning. May it please the
13 Board. We are here today on our IPR petition. We have lined
14 down in the petition how each of the claim limitations in the
15 '979 patent is disclosed by the Oosterling reference.

16 I don't want to belabor the Board today with going
17 through what is in our papers but I'm happy to talk about each
18 of the claims and how each of the limitations is established by
19 the Oosterling reference.

20 I'm also happy to answer whatever questions you
21 may have regarding the petition, the response and any of the
22 evidence that has been submitted.

23 I would start with claim 1. I will put just the
24 language, start of the language of claim 1 up. But very clearly

1 the Oosterling reference is a lid assembly for a beverage
2 container.

3 It has a lid housing having a drink aperture. It has
4 a seal arm that's connected to the lid housing and that's
5 movable between a first position, where it is adjacent to the
6 drink aperture, and a second position where it is distal the
7 drink aperture.

8 JUDGE WIEKER: Can I stop you for a minute?

9 MR. WILKER: Absolutely.

10 JUDGE WIEKER: I would like to discuss the term
11 connected. As you know, Patent Owner has proposed two
12 slightly different constructions of the term in their two
13 different responses.

14 Does that impact the anticipation ground
15 construing under either?

16 MR. WILKER: In our view it does not, but in any
17 event we don't believe that there is a basis for the construction
18 they have offered, which is, the front end we look at the
19 specification. The specification provides one embodiment but
20 it provides only an example.

21 And the specification in the '979 patent talks about
22 connecting, but nowhere in the claim language, nowhere in the
23 patent itself does it say we are defining this term "connected"
24 to mean what they say it means.

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