

RECORD OF ORAL HEARING  
UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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THE BOEING COMPANY,

Petitioner,

vs.

SEYMOUR LEVINE,

Patent Owner.

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Case IPR2015-01341

Patent RE39,618

Technology Center 3600

Oral Hearing Held: Wednesday, September 14, 2016

BEFORE: MICHAEL W. KIM; TRENTON A. WARD; and  
DANIEL N. FISHMAN (via video link), Administrative Patent Judges.

The above-entitled matter came on for hearing on Wednesday,  
September 14, 2016, at 1:30 p.m., Hearing Room B, taken at the U.S. Patent  
and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

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

2 (1:30 p.m.)

3 JUDGE WARD: Good afternoon. We are here this  
4 afternoon for oral arguments in Inter Partes Review matter  
5 number IPR2015-01341. The case in which Boeing Company  
6 is the Petitioner and Seymour Levine is the Patent Owner.

7 The Panel for the hearing today is my colleague,  
8 Judge Kim, sitting here to my right; myself, Judge Ward; and  
9 Judge Fishman joining us on screen here from our regional  
10 office in Denver, Colorado.

11 Good afternoon, Judge Fishman. Can you hear us  
12 and see as well?

13 JUDGE FISHMAN: I can.

14 JUDGE WARD: Thank you. So I would like to  
15 start by getting appearances of counsel. And, counsel, if you  
16 would, when you enter your appearance, if you could step to  
17 the microphone for us and do that, starting with the Petitioner.

18 MR. McBRAYER: Good morning, Your Honor.  
19 Ryan McBrayer, lead counsel for The Boeing Company, the  
20 Petitioner.

21 And with me today are Ted Dane and Peter  
22 Gratzinger of Munger Tolles, who are both admitted pro hac  
23 vice, and, with the permission of the Panel, Mr. Dane will be  
24 presenting our argument today.

1 JUDGE WARD: Thank you, Mr. McBrayer.  
2 Thank you, Mr. Dane. And counsel for Patent Owner?

3 MR. ZISSER: Your Honor, good afternoon. Bruce  
4 Zisser, lead counsel for Seymour Levine, the Patent Owner.

5 And with me today is Frederick Lorig, who was  
6 admitted yesterday pro hac vice and, with the Panel's  
7 permission, will be presenting argument today.

8 JUDGE WARD: Thank you, Mr. Zisser, Mr. Lorig.  
9 So I have got a few administrative details I want to go over  
10 before we get started on the hearing, primarily just to talk  
11 about the format.

12 As was mentioned in the scheduling order for this  
13 case, each side will have 45 minutes to argue. Petitioner, you  
14 may reserve time for rebuttal if you wish to do so. Just  
15 inform me how much time you want to reserve when you  
16 begin.

17 Also, I want to make sure that counsel are aware,  
18 our colleague, Judge Fishman, in Denver, isn't able to see the  
19 screen that we have here in the courtroom. Keep that in mind  
20 when you are referring to a demonstrative. Just make sure  
21 you mention that slide number so that Judge Fishman can  
22 follow along.

23 Counsel for Petitioner, do you have any questions?

24 MR. DANE: No, Your Honor.

25 JUDGE WARD: Patent Owner, any questions?

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