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IPR2016-00194, Paper No. 40

IPR2016-00219, Paper No. 37

February 28, 2017

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 TORO COMPANY,

Petitioner,

v.

MTD PRODUCTS INC.,

Patent Owner.

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Case IPR2016-00194 (Patent No. 8,011,458)

Case IPR2016-00219 (Patent No. 8,136,613)

Technology Center 3600

Oral Hearing Held: Tuesday, February 7, 2017

Before: WILLIAM V. SAINDON, RICHARD E. RICE, and  
TIMOTHY J. GOODSON (via video link), Administrative Patent Judges.

The above-entitled matter came on for hearing on Tuesday,  
February 7, 2017, at 1:02 p.m., in Hearing Room B, taken at the U.S. Patent  
and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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1 JUDGE SAINDON: Please go up to the podium,  
2 please.

3 MR. CIPOLLA: John Cipolla from Calfee, Halter  
4 & Griswold arguing the 194 IPR.

5 JUDGE SAINDON: Petitioner?

6 MR. MORTON: Yes, Your Honor. Cy Morton of  
7 Robins Kaplan. I will also be arguing the 194. Will Manske  
8 and David Prange are with me also from my law firm.

9 JUDGE SAINDON: All right. Before we get  
10 started I wanted to read off into the record the e-mail that I  
11 sent to the two of you regarding the objections on the slides.

12 The parties' objections to the demonstratives in  
13 IPR2016-00194 and 00298 are noted. All objections are  
14 overruled and the parties may present the material on the  
15 demonstratives during oral argument. This ruling is only  
16 directed to whether the material may be presented at oral  
17 argument and is not a ruling that any content discussed or cited  
18 therein is proper for consideration when making our final  
19 written decision.

20 The demonstratives submitted by the parties are  
21 visual aides and neither argument nor evidence. The Panel will  
22 read this e-mail into the record during the oral argument to

1 provide a written record of our ruling.

2 All right. With that we may begin. Petitioner,  
3 would you like to set aside some time for rebuttal ahead of  
4 time? I will keep time on my end. The lights right there are  
5 not operational so I will just provide you reminders.

6 MR. MORTON: Yes, Your Honor. I'm going to  
7 shoot for about 40 minutes and 10 for my rebuttal.

8 JUDGE SAINDON: Okay.

9 MR. MORTON: I do have copies of our slides. If  
10 that's helpful to Your Honors I can hand them up. If you don't  
11 need them, that's fine.

12 Okay. I'm ready to begin.

13 JUDGE SAINDON: Yes, please.

14 MR. MORTON: May it please the Board. My  
15 name is Cy Morton. I represent Petitioner Toro. The '458  
16 patent we are here to discuss today is directed to vehicles that  
17 are propelled and steered using two rear hydrostatic drives.  
18 This is known as differential steering and has been around for  
19 many decades.

20 In some of these vehicles, historically, if you were  
21 going forward and turning to the right, and then you shifted  
22 into reverse with the same steering input, the vehicle would

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