

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FPUSA, LLC,
Petitioner,

v.

M-I, LLC
Patent Owner.

Case IPR2016-00213 (Patent 9,004,288 B2)

Case IPR2016-00295 (Patent 9,074,440 B2)

Held: April 24, 2017

BEFORE: JAMES A. TARTAL, CARL M. DEFRANCO, and
TIMOTHY J. GOODSON, Administrative Patent Judges.

The above-entitled matter came on for hearing on Monday, April 24, 2017, commencing at 1:00 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

Case IPR2016-00213 (Patent 9,004,288 B2)

Case IPR2016-00295 (Patent 9,074,440 B2)

APPEARANCES:

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Case IPR2016-00213 (Patent 9,004,288 B2)

Case IPR2016-00295 (Patent 9,074,440 B2)

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1 PROCEEDINGS

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3 JUDGE TARTAL: Please be seated. Good afternoon
4 and welcome. We are here for a final hearing in two separate
5 *inter partes* review cases. Both are captioned FPUSA, LLC,
6 Petitioner, vs. M-I LLC, Patent Owner. The first case is
7 IPR2016-00213, concerning U.S. patent 9,004,288 B2; and the
8 second case is IPR2016-00295, concerning U.S. patent 9,074,440
9 B2.

10 First let me begin by introducing the panel. I am joined
11 by Judge DeFranco and Judge Goodson, both remotely, and I am
12 Judge Tartal. If we could begin with the parties' appearances,
13 please. Who do we have today representing Petitioner?

14 MR. STEWART: Your Honor, Doug Stewart from
15 Bracewell.

16 JUDGE TARTAL: Welcome.

17 And on behalf of Patent Owner?

18 MR. SCHINDLER: Good afternoon, Your Honor.
19 Barry Schindler from the law firm of Greenberg Traurig, and with
20 me is Amy Kramer from my firm.

21 JUDGE TARTAL: Welcome today.

22 We set forth the procedure for today's hearing in our
23 trial order, and as a reminder, each party will have 60 minutes of
24 total time to present arguments in both cases. Petitioner has the
25 burden of proof and will go first. Our understanding is that

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1 Petitioner will open jointly for both cases; Patent Owner will then
2 present opposition arguments jointly for both cases; and then, to
3 the extent Petitioner reserves time, Petitioner will present
4 arguments in reply jointly for both cases.

5 Are there any questions in that regard, Counsel?

6 MR. STEWART: No, Your Honor.

7 MR. SCHINDLER: Yes, Your Honor, just one
8 question. Judge DeFranco, is he -- I don't see him on a screen.

9 JUDGE TARTAL: Judge DeFranco is by
10 teleconference.

11 MR. SCHINDLER: Okay, that's fine. Judge Goodson,
12 I'm glad to see you, but you are on one, two, three, four, screens.
13 So I just wanted to make sure I wasn't losing it.

14 JUDGE TARTAL: No, so he is on by teleconference
15 without video connection.

16 MR. SCHINDLER: Can he see the PowerPoint, can he
17 see that?

18 JUDGE TARTAL: We have -- he cannot see -- and this
19 goes for the remote locations as well -- typically the camera
20 doesn't capture what's shown on the display screen here, but the
21 presentations are submitted ahead of time, and so that's why we
22 ask when that when you are doing your presentation, that you
23 clearly identify what slide or what screen or what demonstrative
24 you're referring to, because for those who are remote, they may
25 not otherwise be aware of what document you're pointing to.

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