UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GENERAL ELECTRIC CO.,
Petitioner,

v.

UNITED TECHNOLOGIES CORP.,
Patent Owner.

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Case IPR2016-00526
Patent 7,966,807 B2

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Held: May 8, 2017

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Before HYUN J. JUNG, SCOTT A. DANIELS, and GEORGE R. HOSKINS, *Administrative Patent Judges*.

The above-entitled matter came on for hearing on Monday, May 8, 2017, commencing at 10:00 a.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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 BRIAN E. FERGUSON, ESQUIRE
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ON BEHALF OF PATENT OWNER:

 M. ANDREW HOLTMAN, Ph.D.
 JEFFREY C. TOTTEN, ESQUIRE
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 901 New York Avenue, N.W.
 Washington, D.C. 20001-4413

1	P R O C E E D I N G S
2	- - - - -
3	JUDGE JUNG: Okay. This is the oral hearing for case
4	IPR2016-00526 between Petitioner General Electric Company
5	and Patent Owner United Technologies Corporation in which
6	Petitioner challenges the claims of U.S. Patent Number
7	7,966,807.
8	Starting with counsel for Petitioner followed by counsel
9	for Patent Owner, please introduce yourself for the record.
10	MR. DESAI: Anish Desai for Petitioner General
11	Electric Company.
12	JUDGE JUNG: Welcome back.
13	MR. HOLTMAN: Andy Holtman from the law firm of
14	Finnegan Henderson for United Technologies Corporation.
15	JUDGE JUNG: Welcome.
16	All right. Each party has about 30 minutes of total time
17	to present its position in all three cases. Petitioner, you may
18	proceed when you're ready.
19	MR. DESAI: Good morning, Your Honors. I will
20	reserve 10 minutes for rebuttal.
21	As you mentioned, this is an IPR challenging all claims
22	of U.S. Patent 7,966,807. Claims 1 to 3 were disclaimed by
23	Patent Owner and so what remains at issue is 4 through 20.
24	The '807 patent was filed in 2007, issued in 2011 and
25	this is a patent about the use of a heat pipe to cool static structures

1   in a gas turbine engine. Static is another way of saying

2   non-rotating. Examples of static components are stationary vanes

3   and struts.

4   Patent Owner has tried to cast this as a patent about the

5   design of a heat pipe. This is categorically not a patent about the

6   design of a heat pipe. Instead, it is a patent about the application

7   of a conventional heat pipe and the application is not in any way

8   new.

9   I will show you that using a heat pipe to cool static

10   components in every section of the gas turbine engine has been

11   known to those of skill in the art long before the '807 patent was

12   filed. None of the prior art that forms the core of this Petition

13   was cited to the Patent Office during the prosecution of the '807

14   patent.

15   So I'll start with slide 2 of Petitioner's demonstratives

16   and what I've shown here are some excerpts from the '807 patent.

17   It's column 2, lines 30 to 43, column 2, lines 56 to 57, column 3,

18   lines 13 to 15 and Table 1. Okay?

19   And this is effectively --

20   JUDGE JUNG: Mr. Desai, I need to interrupt for a

21   moment. Is your microphone actually on? My panel members

22   are having a little trouble --

23   MR. DESAI: Can you hear me, is that better?

24   JUDGE DANIELS: I can hear you pretty well. It just

25   sounds like the microphone wasn't on.

1   MR. DESAI: It looks like it's on. I see a green light

2   now.

3   JUDGE JUNG: Sorry about that. Go ahead.

4   MR. DESAI: Okay. So on slide 2 here we have what

5   are effectively -- these are the parts of the patent that are about

6   the heat pipe design. Okay? And all it says in the patent is the

7   heat pipe has a vaporization section, it has a condenser section

8   and it has a working medium. Okay?

9   So when it comes to the design of these sections, the

10   patent also says the shape and size and configuration can vary as

11   needed. And then, finally, with respect to the working medium, it

12   says here's a table of working media, you can pick whichever one

13   suits your operating conditions. Okay?

14   Everything that is written about the design of a heat

15   pipe in the '807 patent can be found in a college textbook on heat

16   pipes.

17   Okay. So this is slide 3 and this is a textbook on heat

18   pipes and thermodynamics and this is GE-1011 and this is a 1995

19   textbook. And just to show you on the left is a figure of a

20   conventional heat pipe. It has a condenser section, an evaporator

21   section and a working medium. That's the basics of a heat pipe.

22   And on the right you have a table of working medium

23   that can be used and the temperature ranges -- this is effectively

24   what's been copied into this '807 patent. The '807 patent, the

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