

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 IPR2016-00531  
Patent 8,511,605 B2

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Held: May 4, 2017

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(Reporter via telephone due to scheduling issues)

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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 Thursday, May 4, 2017, commencing at 2:43 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

\*Hearing recorded telephonically due to scheduling issue and transcribed to the best of our transcriber's ability

Case IPR2016-00531  
Patent 8,511,605 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

ANISH DESAI, ESQ.  
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ON BEHALF OF PATENT OWNER:

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1 claims 5 -- I'm sorry, claims 7 through 11. I have those claims 7  
2 through 11 here on slide 2.

3           Just to quickly rehash what's in claim 1, even though it's  
4 been disclaimed, this is a claim directed to a gear turbofan engine  
5 having a low stage count, low pressure turbine and a bypass ratio  
6 of greater than 10. It is undisputed that the prior art at issue,  
7 Willis, the QCSEE engine, that report, it's a report from 1979, and  
8 it documents a gear turbofan engine that meets every single  
9 limitation of claim 1, but, in fact, there are a number of prior art  
10 references spanning decades, multiple decades, that disclose a  
11 gear turbofan engine that falls within the scope of claim 1. They  
12 were also included in our IPRs on the '605 patent, and they are  
13 not at issue anymore because the claims have been disclaimed.  
14 None of this prior art was submitted to the Patent Office during  
15 the prosecution of the '605 patent.

16           Dependent claims 7 through 11, the other limitation is  
17 directed to an axially movable fan nozzle and the functions of  
18 adjusting nozzle exit areas, adjusting pressure ratio, and reducing  
19 fan instability. Now, I have highlighted in slide 2 the words  
20 "axially movable," because that's the only limitation that's not  
21 found in the Willis report. In claims 7 through 11, everything  
22 else is found in the Willis report. It just does not disclose an  
23 axially movable nozzle.

24           Now, the variable area fan nozzle to perform the  
25 claimed functions has been known in the art for decades.

1 Different types of variable area fan nozzle structures that can be  
2 used to perform the claimed functions have also been known in  
3 the art for decades. So what's the contribution to the art in these  
4 claims? I submit there is absolutely no contribution whatsoever.

5           The Supreme Court has told us in *KSR*, "a patent for a  
6 combination which only unites old elements with no change in  
7 their respective function withdraws what is already known in the  
8 field of its monopoly and diminishes the resources available to  
9 skilled men."

10           So let me start with the '605 patent. Here on slide 3, I  
11 have an excerpt at column 1, lines 57 to 65. Essentially, the same  
12 text is repeated at column 2, lines 38 to 48, and this is the only  
13 disclosure in this patent about an axially movable nozzle. It says  
14 that the fan variable area is axially movable. That is it. There is  
15 no description. There is no illustration of a nozzle.

16           Figure 1A is what I put up there, and if you take a close  
17 look -- a closer look at it, and there is no illustration of an axially  
18 movable nozzle. None of the other figures move either, okay?

19           JUDGE DANIELS: Mr. Desai, what -- what -- would  
20 you tell me what occurs, just so I understand what is going on,  
21 when you have a high temperature, high pressure fluid that comes  
22 into the -- comes into the low pressure turbine, it expands hitting  
23 that turbine, which drives the fan -- low pressure fan turbine,  
24 correct?

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