

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GENERAL ELECTRIC CO.,
Petitioner,

v.

UNITED TECHNOLOGIES CORP.,
Patent Owner.

Case IPR2016-00533
Patent 8,511,605 B2

Held: May 4, 2017

(Reporter via telephone due to scheduling issues)

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 3:48 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 IPR2016-00533
Patent 8,511,605 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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ON BEHALF OF PATENT OWNER:

MICHAEL J. VALAIK, ESQ.
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P R O C E E D I N G S

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JUDGE JUNG: This is the oral hearing for Case IPR2016-00533 between Petitioner, General Electric Company, and Patent Owner, United Technologies Corporation. The patent number is 8,511,605.

Would counsel for Petitioner, followed by counsel for Patent Owner, please state your names for the record.

MR. DESAI: Anish Desai for Petitioner, General Electric.

JUDGE JUNG: Thank you.

MR. VALAIK: Mike Valaik, Bartlit Beck, for United Technologies Corporation.

JUDGE JUNG: Thank you.

According to the hearing order, each party has 30 minutes of total time to present its position on all three cases -- I'm sorry, in this case. Petitioner has the burden to show unpatentability. Petitioner will proceed first, followed by the Patent Owner. Petitioner may reserve rebuttal time but may use it only to rebut Patent Owner's arguments.

There are pending objections in this case as well to Petitioner's slides, I believe slides 11 and 12.

Is that correct, Patent Owner?

1 MR. VALAIK: Yes, Your Honor.

2 JUDGE JUNG: Thank you.

3 And with that, Mr. Desai, how much time would you
4 like to reserve for rebuttal?

5 MR. DESAI: I would like ten minutes.

6 JUDGE JUNG: You may proceed.

7 MR. DESAI: Okay.

8 Let me just quickly get into the claims here, the claimed
9 patent, the '605 patent. This IPR challenged claims 1 through 6
10 and 12 to 16, and everything has been disclaimed except 15 and
11 16, and these two claims are basically identical, and I don't think
12 for purposes of this IPR there's any dispute that they are basically
13 the same. The difference is that one claim is the low pressure
14 turbine pressure ratio is greater than five; the other one is it's
15 about five. For purposes of this IPR, there is no distinction.

16 So there's a claim construction dispute regarding how
17 the claimed low pressure turbine pressure ratio should be
18 measured. The issue is do the claims require measurement in
19 such a way to exclude the pressure drop that across a component
20 called the turbine exhaust case or turbine exit case, also called
21 TVC-TEC for short, and our position is that the claims are broad
22 and do not specify whether or not the TEC is included or
23 excluded, and I will explain that, but if Your Honors agree with
24 Petitioner about the broadest reasonable interpretation, Wendus,

1 the prior art, GE-1005, anticipates because it discloses a pressure
2 ratio across a low pressure turbine including the pressure drop
3 across the TEC, if you incorporate that, of 14.4, which is far
4 higher than five.

5 If Your Honors adopt the narrower construction, which
6 we disagree with, Wendus still anticipates because it discloses a
7 pressure ratio across the LPT, excluding the TEC, of 12.72, and
8 it's undisputed also, separately, that the pressure drop across the
9 TEC, which is a standard component, is minimal, okay, such that
10 there is no way one of ordinary skill in the art would view
11 Wendus as disclosing a pressure ratio across the LPT, minus the
12 TEC, of less than five. It's just not possible, okay?

13 So here I'm on slide 3. This is the Wendus NASA
14 report, Figure 4, which is a figure of the engine, showing
15 temperatures and pressures at different points in the engine, and
16 it's GE-1005.017, and this is at max climb, which is called the
17 condition 0.85 Mach, 35,000 feet, okay? This report was
18 authored by Patent Owner, and it was never provided to the
19 Patent Office during prosecution of the '605 patent.

20 Figure 4 shows a two-spool gear turbofan engine with a
21 six-stage LPT. Again, the temperatures and pressures at various
22 points are shown in the engine. The six-stage LPT is shown here,
23 along with the turbine exhaust case, which is at the very end of
24 the engine, that square box right at the end of the engine, okay?

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