

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EMERSON ELECTRIC CO.,
Petitioner,

v.

IP CO., LLC,
Patent Owner.

Case IPR2016-01602
Patent 6,249,516

Record of Oral Hearing
Held: November 13, 2017

Before THOMAS L. GIANNETTI, BRYAN F. MOORE, and TREVOR M.
JEFFERSON *Administrative Patent Judges.*

APPEARANCES:

ON BEHALF OF PETITIONER:

JAMES R. BATCHELDER, ESQUIRE
MATTHEW W. SHAPIRO, ESQUIRE
Ropes and Gray LLP
1900 University Avenue, 4th Floor
East Palo Alto, California 94303-2284

ON BEHALF OF PATENT OWNER:

GREGORY GONSALVES, ESQUIRE
The Gonsalves Law Firm
2216 Beacon Lane
Falls Church, Virginia 22043

The above-entitled matter came on for hearing on Monday, November 13, 2017, commencing at 2:00 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

PROCEEDINGS

- - - - -

JUDGE GIANNETTI: Good afternoon everyone. We are here for final argument in case IPR2016-01602, the caption of the case Emerson Electric Company versus IP Co., LLC involving patent number 6,249,516. All right counselors, may we get your appearances? Who is appearing today for the Petitioner first?

MR. BATCHELDER: Good afternoon Your Honor. My name's James Batchelder. I'm from the law firm of Ropes and Gray on behalf of Petitioner Emerson Electric. With me today are my colleagues Jim Davis and Matthew Shapiro.

JUDGE GIANNETTI: Okay. Who will be making the presentation for the Petitioner, Mr. Batchelder?

MR. BATCHELDER: I will and Mr. Davis.

JUDGE GIANNETTI: Okay. And who do we have today for the Patent Owner?

DR. GONSALVES: Good morning, Your Honors. My name is Dr. Gregory Gonsalves and I will be representing the Patent Owner, IP Co., LLC.

JUDGE GIANNETTI: Dr. Gonsalves, thank you. Before we get started, let me just go over a couple of ground rules. Each side has 45 minutes to present argument. The Petitioner will start. Petitioner may reserve rebuttal time to answer any arguments that are raised by Patent Owner. You may do that either at the beginning your presentation or if you prefer you may just reserve the balance of your time. Just let me know which you're going to do. Both sides have provided us with demonstratives.

1 We have the demonstratives that you have provided us. There are some
2 extra copies up here, is that right? Some extra copies up here?

3 MR. BATCHELDER: We did submit extra copies.

4 JUDGE GIANNETTI: Okay. Did you want to submit anything for
5 the Patent Owner?

6 DR. GONSALVES: Your Honor, actually in my presentation I'll be
7 referring directly to the record. I think the slides will be useful to you just to
8 give you an outline, but during my presentation I'll refer to the record itself.

9 JUDGE GIANNETTI: Okay, you won't be using the slides during
10 your presentation?

11 DR. GONSALVES: That's right. I do - -

12 JUDGE GIANNETTI: We have them - -

13 DR. GONSALVES: I do have extra copies if you want - -

14 JUDGE GIANNETTI: That's all right. We do have the copies that
15 you've provided us by email. We have those available. I don't think we'll
16 need the additional copies. All right, I do want to remind you though on the
17 subject of demonstratives, if you do use demonstratives please refer to the
18 number, the page number or the slide number so we have a clear record of
19 what you are referring to. The demonstratives are not going to be filed.
20 We've reviewed them and we're not going to authorize filing of the
21 demonstratives from either side but you can certainly use them as aids to
22 argument, but I want to remind you they are not part of the record. The
23 record of this hearing will be the transcript that's going to be prepared by the
24 Court Reporter, so if you want something in the record of the hearing, please
25 put it on the record orally, don't rely on the demonstratives. I don't think I

1 have anything further. Do the parties have questions? Mr. Batchelder,
2 anything further?

3 MR. BATCHELDER: Just a couple of housekeeping (inaudible),
4 Your Honor.

5 JUDGE GIANNETTI: Sure.

6 MR. BATCHELDER: In terms of reservation of time, we will simply
7 reserve the balance of time but to give the panel some sense of it, depending
8 on questions, we would in tend to reserve roughly 20 minutes.

9 JUDGE GIANNETTI: Okay. So I will set the clock for 45 minutes
10 and then I'll try to give you some warning when you've reached the, I guess
11 it would be the 25 minute point.

12 MR. BATCHELDER: Thank you that would be helpful.

13 JUDGE GIANNETTI: All right, thanks Mr. Batchelder.

14 MR. BATCHELDER: And then also in terms of how Mr. Davis and I
15 intend to divide up the argument, I will be handling the claim instruction
16 issues at the outset. Mr. Davis will handle the main 103 issues and
17 (inaudible) needed comment on secondary considerations, I will address
18 those.

19 JUDGE GIANNETTI: Okay, thank you very much Mr. Batchelder.
20 Dr. Gonsalves, do you have any questions?

21 DR. GONSALVES: No, Your Honor.

22 JUDGE GIANNETTI: All right, so let me just set the clock up here
23 and then we can get started. Mr. Batchelder, you may proceed whenever
24 you're ready.

25 MR. BATCHELDER: Thank you, Your Honor. Again, James
26 Batchelder on behalf of Petition (inaudible). I'm first going to address, as I

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.