

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

POLYGROUP LIMITED (MCO),
Petitioner,

v.

WILLIS ELECTRIC COMPANY, LIMITED,
Patent Owner.

Cases:

IPR2016-01610 (Patent 8,454,186 B2)

IPR2016-01612 (Patent 8,454,187 B2)

IPR2016-01613 (Patent 9,044,056 B2)

IPR2016-01615 (Patent 8,936,379 B2)

IPR2016-01616 (Patent 8,936,379 B2)

IPR2016-01617 (Patent 8,936,379 B2)

Record of Oral Hearing
Held: December 15, 2017

Before WILLIAM V. SAINDON, JEREMY M. PLENZLER, and
BARBARA A. PARVIS, *Administrative Patent Judges*.

Cases: IPR2016-01610, IPR2016-01612, IPR2016-01613
IPR2016-01615, IPR2016-01616, and IPR2016-01617

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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ON BEHALF OF PATENT OWNER:

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The above-entitled matter came on for hearing on Friday, December 15, 2017, commencing at 10:07 a.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

P R O C E E D I N G S

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2 JUDGE SAINDON: I am Judge Saindon. With me here is Judge
3 Parvis. And Judge Plenzler is there. He is remoting in from the Detroit
4 office, so he can see you through the monitor behind me looking at the
5 podium. He can't see what's on the screen.

6 This hearing is for a host of cases, IPR2016-1610, involving the
7 '186 patent to which 1609 and 800 are joined; IPR2016-1612 involving the
8 '187 patent and the 1611 and 801 IPRs; 1613 involving the '056 patent and
9 the 802 IPR; and then 1615, 1616 and 1617 all involving the '379 patent.

10 So we put all of the hearings together today. We have for the case
11 in chief, I believe, 90 minutes per side to which, petitioner, you will go first
12 and last. Your rebuttal time is limited to responding to what patent owner
13 says today. Then we'll have a break for lunch and then come back for the
14 motion to amend. We'll have 45 minutes a side again, again, beginning and
15 ending with petitioner. We may take a break sometime this morning
16 depending on how things go.

17 This is a public forum, so anything that is said is spoken in a public
18 forum and disclosed. So we generally don't allow objections, but if
19 somebody is starting to say something that is protected material, whether it's
20 the judges or any other party, feel free to raise a hand. We'll try to note that.

21 Let me see if there's any other administrative stuff to take care of.
22 I think that's it. Let's do introductions. We'll start with patent owner.

1 MS. ALTON: Your Honor, thank you. I'm Larina Alton here on
2 behalf of patent owner. This is Luke Toth. Johnny Chen, the inventor, is
3 also here today.

4 JUDGE SAINDON: And petitioner?

5 MR. ANGLE: Good morning, Your Honor. Robert Angle on
6 behalf of the petitioner. With me are Jason Eisenberg, Chris Forstner,
7 Alexis Simpson, as well as Lauren Ulrich in the back. We all will be having
8 a little part, as I'll explain in a moment, if that's all right with the Board.
9 And Alex Rinnik is going to help, hopefully, keep us on track from a
10 technological perspective.

11 JUDGE SAINDON: And petitioner, since you are going first, you
12 can stay up there or introduce whoever is going to be presenting today.

13 MR. ANGLE: Thank you, Your Honor.

14 JUDGE SAINDON: If you like, I can put your time on the clock,
15 so if you want to reserve some time for rebuttal now.

16 MR. ANGLE: That would be great. We would like to reserve
17 about an hour.

18 JUDGE SAINDON: Okay. You may begin when ready.

19 MR. ANGLE: Thank you, Your Honor. May it please the Board,
20 let me start first by thanking you for the significant amount of time that you
21 have invested in this case and will be in the future. It may not surprise you
22 to learn that when we were preparing for today's proceedings and speaking
23 with our trial tech person, he told us there were about 75,000 pages of
24 documents between all the exhibits and the pleadings that have been filed in

1 this matter. It's truly a voluminous record. And to say that it's voluminous
2 would really be an understatement.

3 As your order directed on argument, we are going to try and focus
4 on a couple issues that we think are really significant to the Board and the
5 issues that need to be decided here today. No single person can know every
6 argument, paper, pleading or anything that's been filed in this matter. So
7 with the Board's indulgence, we are going to divide up the arguments a little
8 bit so that we have different people addressing some of the different issues.

9 Specifically how we would like to proceed, if we can go to slide 2,
10 this is just an overview to show you what's coming. I'll use about the first 20
11 to 30 minutes providing an overview of the case, a little bit of background
12 and like I said, what we think are the critical arguments from the patent
13 owner's perspective. We would like to reserve an hour. Alexis Simpson or
14 I, in rebuttal, will address the '186 issues. Chris Forstner will address the
15 '379 issues and Jason Eisenberg will address the '056. And if any issues
16 relating to motions to exclude come up, we'll address those.

17 When we get to the motions to amend in the afternoon, Alexis
18 Simpson will provide an overview and will address some of the '186 and
19 '187 issues. Jason Eisenberg again will address '056 and Chris Forstner,
20 '379.

21 Before I jump into the argument, I wanted to give just one or two
22 more opening comments. One is I'll be referring to slide decks, both ours
23 and patent owner's. And for the record, I'll try and keep that clear and
24 identify which slide I'm turning to. We don't have any intention of using all
25 of the slides, trust me on that. In addition, I'll try and make sure that Judge

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