

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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CAMPBELL SOUP COMPANY, CAMPBELL SALES COMPANY,  
AND TRINITY MANUFACTURING, L.L.C.,  
Petitioner,

v.

GAMON PLUS, INC.,  
Patent Owner.

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Case IPR2017-00087  
Patent 8,827,111 B2

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Record of Oral Hearing  
Held: January 23, 2018

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Before GRACE KARAFFA OBERMANN, BART A. GERSTENBLITH,  
and ROBERT L. KINDER, *Administrative Patent Judges*.

Case IPR2017-00087  
Patent 8,827,111 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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ON BEHALF OF THE PATENT OWNER:

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and:

Darren Mogil, Esquire (Trinity)  
Kelly Grady, Esquire (Campbell)

The above-entitled matter came on for hearing Thursday, January 23, 2018, commencing at 9:00 a.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

PROCEEDINGS

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JUDGE GERSTENBLITH: Good morning, everyone. So we're here now for a hearing in IPR2017-00087, Campbell Soup Company, Campbell Sales Company, and Trinity Manufacturing v. Gamon Plus, Inc.

I'm Judge Gerstenblith. To my right is Judge Obermann, to my left is Judge Kinder.

Starting with Petitioner, let's have each counsel please come up to the podium and enter your appearance for the record.

MR. DONOVAN: Good morning, Your Honor, this is Gerard Donovan for the Campbell Petitioners. And would you like me to introduce the others or would you like each to come up individually?

JUDGE GERSTENBLITH: You can introduce them, please.

MR. DONOVAN: All right, then this is Tracy Quinn for the Campbell Petitioners and Darren Mogil for the Trinity Petitioner, and Tracy Quinn will be presenting arguments today.

JUDGE GERSTENBLITH: Okay, thank you. Welcome.

MR. TIAJOLOFF: Good morning, I'm Drew Tiajolloff, I am the only person here for Gamon Plus.

JUDGE GERSTENBLITH: Good morning.

May I ask, ma'am, are you with either side?

MS. GRADY: Yes, certainly. I am Kelly Grady; I am in-house with Campbell Soup.

JUDGE GERSTENBLITH: Okay. Is everybody here on the protective order?

MS. QUINN: I'm not sure if Ms. Grady as in-house counsel is,

1 but the only protective order-related material is Campbell material and she is  
2 in-house for Campbell.

3 JUDGE GERSTENBLITH: Okay. Before we begin -- oh, so  
4 thank you very much for the introductions everyone. If you have paper  
5 copies of your demonstratives, feel free to hand them up. At a minimum, we  
6 request at least one copy for the court reporter. We have the electronic  
7 copies, but if you would like to hand up paper copies, you can do that as  
8 well.

9 (Pause.)

10 JUDGE GERSTENBLITH: Also, let me just confirm the  
11 pending motions that we have. I believe, but please correct me if I'm wrong,  
12 Ms. Quinn, that we have two pending motions, both filed by Petitioner, a  
13 motion to exclude and a motion to seal?

14 MS. QUINN: Correct, Your Honor.

15 THE COURT: Okay, thank you. And we forth the procedure  
16 for today's hearing in our trial order, which is paper 55. Each party will  
17 have 35 minutes of total argument time. We'll begin with Petitioner, who  
18 will start with its case in chief, and can also address either of its motions, if  
19 you choose. And you can also -- Petitioner can reserve time for rebuttal.  
20 And after Petitioner presents its opening arguments, it will be Patent  
21 Owner's turn to respond to those arguments. After Patent Owner's response,  
22 Petitioner can have whatever time it reserved for rebuttal to respond to  
23 Patent Owner's arguments.

24 Now, in this case, because Patent Owner doesn't have any  
25 outstanding motions, Patent Owner only has one opportunity to make its  
26 arguments after Petitioner's opening.

1           Now, I have a timer up here that I can use and I can set for  
2 whatever time you would like. It's going to start counting down and then  
3 lights start doing different things, but we can also -- I'm also happy to sort of  
4 raise my hand if, you know, there's a five-minute warning or whatever you  
5 would like. So when it's your turn to come up to the podium, if you would  
6 like me to set the timer to any particular amount, just let me know.

7           Does anybody have any questions about the order of the  
8 hearing for our case now, for 87? Petitioner?

9           MS. QUINN: No, Your Honor.

10          JUDGE GERSTENBLITH: Patent Owner?

11          MR. TIAJOLOFF: No, Your Honor.

12          JUDGE GERSTENBLITH: Okay. With that, Petitioner,  
13 whenever you're ready to proceed.

14          MS. QUINN: Thank you, Your Honor, and good morning to  
15 the Board. My name is Tracy Quinn from Reed Smith, I'm here for the  
16 Petitioners. I'd like to reserve ten minutes for rebuttal. And at the outset,  
17 on the pending motions, I think we're fine resting on the papers on our  
18 motion to exclude.

19          Briefly, on the motion to seal, I note that Patent Owner has  
20 opposed it. The material they're looking to un-redact that we had proposed  
21 to redact reflects confidential research done by our client. The fact that it's  
22 research relating to a gravity feed system does not make it not confidential,  
23 does not make it public.

24          JUDGE KINDER: Does the time impact that? I mean, it was  
25 research that was done over 15 years ago.

26          MS. QUINN: It does not impact that, because the research, if

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