

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

COASTAL INDUSTRIES, INC.,  
Petitioner,

v.

SHOWER ENCLOSURES AMERICA, INC.,  
Patent Owner.

---

Case IPR2017-00573  
Patent 7,174,944 B1

---

Record of Oral Hearing  
Held: October 3, 2018

---

Before MICHAEL W. KIM, CARL M. DeFRANCO, and ALYSSA A.  
FINAMORE, *Administrative Patent Judges*.

Case IPR2017-00573  
Patent 7,174,944 B1

APPEARANCES:

ON BEHALF OF PETITIONER:

JOSEPH P. KINCART, ESQUIRE  
Rogers Towers P.A.  
1301 Riverplace Boulevard  
Suite 1500  
Jacksonville, Florida 32207

--and--

ANDRES F. ARRUBLA, ESQUIRE  
Coastal Industries Inc.  
3700 St. Johns Industrial Pkwy W  
Jacksonville, FL 32246

ON BEHALF OF PATENT OWNER:

RYAN M. FOUNTAIN, ESQUIRE  
420 Lincoln Way West  
Mishawaka, Indiana 46544

The above-entitled matter came on for hearing on Wednesday, October 3, 2018, commencing at 1:09 p.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

1 - - - - -

2 JUDGE KIM: Welcome, everyone. This is a supplemental oral  
3 hearing for IPR2017-00573. I'm Michael Kim. To the right I have Judge  
4 Finamore and on the phone we have Judge Carl DeFranco.

5 So I believe each side has 30 minutes in this case. Petitioner will  
6 have most of the burdens. You will go first. You can reserve some time for  
7 rebuttal if you would like, and Patent Owner's counsel will proceed with  
8 their entirety of 30 minutes. Then, lastly, Petitioner will have a short last  
9 word.

10 So with that, logistically, as you know, Judge DeFranco is remote  
11 and actually can't see you. So if you could just please, whenever you talk,  
12 especially with slides or any demonstratives or any exhibits, if you would  
13 just please provide the actual cite so he can -- he has access to the entire  
14 record. He can find it. You just have to let him know what he actually  
15 needs to find.

16 And as far as in and out goes, if you could please -- everyone, if  
17 you could please reserve in and out to times when counsel is changing so  
18 that to be the least disruptive to the proceeding, I'd appreciate it.

19 So with that, can I just get appearances starting with Petitioner's  
20 counsel?

21 MR. KINCART: Yes, Your Honor. My name is Joseph Kincart  
22 and I am here on behalf of Petitioner, and I am joined by --

23 MR. ARRUBLA: Andres Arrubla, Your Honor, on behalf of  
24 Petitioner.

1 JUDGE KIM: Welcome. And then Patent Owner?

2 MR. FOUNTAIN: Your Honor, this is Ryan Fountain. I'm here  
3 for the Patent Owner.

4 JUDGE KIM: Great. All right. Unless there's anything else,  
5 Petitioner, you may please come up.

6 MR. FOUNTAIN: Actually, Your Honor.

7 JUDGE KIM: Yes.

8 MR. FOUNTAIN: I did raise some objections to demonstratives.

9 JUDGE KIM: Yes.

10 MR. FOUNTAIN: Should we address that first?

11 JUDGE KIM: They have been considered and at this time -- you  
12 can address them later. However, right now we have looked through the  
13 slides. They seem to have the proper cites and generally seem to be fine in  
14 that they're part of the record. If there's any particular ones that you believe  
15 are outside of the record, you can bring them up during the oral argument  
16 portion itself.

17 MR. FOUNTAIN: In that regard, Your Honor, may I reserve five  
18 minutes of my time for sur-rebuttal?

19 JUDGE KIM: On what basis, sir?

20 MR. FOUNTAIN: I perceive in the demonstratives, evidence of  
21 what may be new arguments. I'd like the ability to address those.

22 JUDGE KIM: Why can't you do that in your regular time?

23 MR. FOUNTAIN: Because my suspicion is they're going to  
24 address them in rebuttal exhibits, particularly with regard to pages 30  
25 through 34 of the demonstratives.

1 JUDGE KIM: Okay. Well, then it's duly noted that you think  
2 pages 30 through 34 may have new argument and so we will take that into  
3 consideration.

4 MR. FOUNTAIN: Thank you. And one other explanation, sir, the  
5 board over there to my left and your right is not identical to page 2 of the  
6 demonstratives. There is, for example, the inclusion of the word header. I  
7 don't know what significance that has and I won't know perhaps until much  
8 later.

9 JUDGE KIM: Understood. And, again, but you understand as we  
10 said, none of this is evidence. This is not evidence in the record. So as far  
11 as we're concerned, we're going to look at these things, but then we literally  
12 won't look at them again. We will only look at what's actually in the file.  
13 Do you understand?

14 MR. FOUNTAIN: Yes, sir.

15 JUDGE KIM: Okay. So with that Petitioner --

16 MR. ARRUBLA: Your Honor, can I offer you guys to take a copy  
17 of the exhibits?

18 JUDGE KIM: Sure. Thank you.

19 Approximately how much time would you like to reserve for your  
20 rebuttal, Mr. Kincart?

21 MR. KINCART: 10 minutes, please.

22 JUDGE KIM: Okay. You can begin when you're ready.

23 MR. KINCART: Thank you, Your Honor.

24 May it please the Board. My name is Joseph Kincart and I am here  
25 on behalf of the Petitioner. I'd like to begin by thanking you for your time

# 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.