

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY CORPORATION,
Petitioner,

v.

FUJIFILM CORPORATION,
Patent Owner.

Case IPR2017-00809
Patent 6,703,106 B2

Record of Oral Hearing
Held: May 17, 2018

Before JO-ANNE M. KOKOSKI, JEFFREY W. ABRAHAM, and
MICHELLE N. ANKENBRAND, *Administrative Patent Judges*.

Case IPR2017-00809
Patent 6,703,106 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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The above-entitled matter came on for hearing on May 17, 2018, commencing at 1:00 p.m., at the U.S. Patent and Trademark Office, Madison Building, 600 Dulany Street, Alexandria, Virginia 22314.

1 PROCEEDINGS

2 JUDGE ABRAHAM: Okay. Welcome. This is the hearing in
3 IPR2017-00809 regarding U.S. Patent No. 6,703,106. I'm Judge
4 Abraham, and with me today are Judges Ankenbrand and Kokoski.

5 Let's begin by having appearances, starting with the
6 Petitioner.

7 MR. GIUNTA: Good afternoon, Your Honors. Richard
8 Giunta and Elisabeth Hunt from Wolf Greenfield for Petitioner,
9 Sony Corporation.

10 JUDGE ABRAHAM: Okay. Welcome.
11 And Patent Owner?

12 MR. KNIERIM: Thank you, and good afternoon, Your
13 Honors. This is Michael Knierim from Baker Botts on behalf of the
14 Patent Owner. With me is Eliot Williams, also from Baker Botts.

15 JUDGE ABRAHAM: Okay. Welcome.

16 All right. We sent out a hearing order on May 4th,
17 2018. According to that order, each party will have 60 minutes of
18 total time for their arguments, and we're going to follow the
19 procedure that we outlined in terms of who will go first and who
20 will follow after that. Because we have a noncontingent motion to
21 amend here, we're going to allow Petitioner -- I'm sorry -- Patent
22 Owner to start and address the statutory considerations for filing
23 a motion to amend.

1 Are there any questions about the procedure, the amount
2 of time, or anything like that from any of the parties?
3 Petitioner?

4 MR. GIUNTA: The only question we have, Your Honor, is
5 Dr. Hunt and I plan to split the time, and I'm wondering if, when
6 I begin, if we can set the time for 30 minutes so that I am sure I
7 don't bleed into her time.

8 JUDGE ABRAHAM: Absolutely.

9 MR. GIUNTA: Thank you.

10 JUDGE ABRAHAM: Any questions on your end?

11 MR. KNIERIM: I have no questions, Your Honor.

12 JUDGE ABRAHAM: Okay. Just a few things: When you're
13 going through your presentations, we do have the demonstratives
14 that you provided. I notice they're also up on the screen, but
15 please refer to them by slide number. It helps keep an accurate
16 record so when we go back and review it, we'll know exactly which
17 slide you're referring to.

18 And please, when you're speaking, speak into the
19 microphone so that we can hear you.

20 Other than that, I'll invite Patent Owner to the podium
21 to begin and ask if you'd like to reserve time now or I can just
22 start at 60 minutes and count down, whichever you'd prefer.

23 MR. KNIERIM: Thank you, Your Honor. I would like to

1 reserve 40 minutes. And Your Honors, I do have photocopies,
2 additional hard copies of the demonstratives if you would like a
3 copy.

4 JUDGE ABRAHAM: I don't need them.

5 Judge Ankenbrand, would you like it?

6 JUDGE ANKENBRAND: I'm okay.

7 JUDGE ABRAHAM: The court reporter might -- like I said,
8 if you haven't already provided hard copies --

9 MR. KNIERIM: I believe a copy has been provided.

10 JUDGE ABRAHAM: Okay. So we're all set. Begin whenever
11 you're ready.

12 MR. KNIERIM: Thank you, Your Honors.

13 So I'd like to start with a brief overview of what is
14 disputed and perhaps just as importantly, what's not disputed by
15 Petitioner. And if we could turn to slide 5.

16 Petitioner does not dispute that the motion was properly
17 filed. It includes a reasonable number of claims for the
18 substitute claim supported by the original disclosure of the
19 patent. So unless the Board has any questions about these
20 requirements, I will proceed to discuss the other parts that are
21 in dispute.

22 So if you turn to slide 6, Petitioner does dispute that
23 the amendment properly responds to a ground of institution; that

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