UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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NATIONAL OILWELL VARCO, L.P.,
Petitioner,

v.

TECHNICAL INDUSTRIES, INC.,
Patent Owner.

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Case IPR2017-00860 (Patent 7,552,640)
Case IPR2017-00910 (Patent 7,997,138)

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Record of Oral Hearing
Held: May 17, 2018

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Before THOMAS L. GIANNETTI, BRYAN F. MOORE, and
JASON J. CHUNG *Administrative Patent Judges*.

Case IPR2017-00860 (Patent 7,552,640)
Case IPR2017-00910 (Patent 7,997,138)

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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ON BEHALF OF PATENT OWNER:

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      and

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      The above-entitled matter came on for hearing on
Thursday, May 17, 2018, commencing at 10:00 a.m., at the U.S.
Patent and Trademark Office, 600 Dulany Street, Alexandria,
Virginia.

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1   P R O C E E D I N G S

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3   JUDGE GIANNETTI: So we are here this morning for

4   final hearing in two cases, IPR2017-00860 and IPR2017-00910.

5   Let me introduce the panel. To my left is Judge Jason Chung. To

6   my right is Judge Bryan Moore. And I am Judge Giannetti, and I

7   will be presiding at the hearing today.

8   Let me get appearances from counsel. Who is

9   appearing here for the petitioner first?

10   MR. LANEY: Brad Laney, Your Honor, here for

11   petitioner, National Oilwell Varco.

12   JUDGE GIANNETTI: Thank you. And for the patent

13   owner?

14   MR. ANTHONY: Ted Anthony for the patent owner.

15   MR. LEMOINE: And also Joseph Lemoine, Jr., for the

16   patent owner, Your Honors.

17   JUDGE GIANNETTI: Mr. Anthony, will you be

18   making the presentation today?

19   MR. ANTHONY: I will be making the primary part of

20   the presentation, but we would like to actually have both of us

21   deliver a portion of it, if that's okay with the panel.

22   JUDGE GIANNETTI: That's permissible. You will be

23   dividing argument; is that correct?

24   MR. ANTHONY: Correct.

1   JUDGE GIANNETTI: That is fine. I have a few

2 housekeeping details before we get started. And I'll address this

3 to the patent owner. You state in your papers that you are not

4 going to pursue claims 3 and 12; is that correct? Mr. Anthony

5 and Mr. Lemoine?

6   MR. ANTHONY: We had previously disclaimed

7 claims, and if that's what you are referring to, I don't know if you

8 recall, we had a conference call, and we did file a disclaimer, a

9 formal disclaimer, but --

10   JUDGE GIANNETTI: Well, I know you disclaimed

11 some claims prior to institution but that did not include 3 and 12.

12 I thought that you said in your papers that you were going to

13 disclaim 3 and 12.

14   MR. ANTHONY: Your Honor, if that's what we said --

15 I don't have that recollection in front of mind here, but if that's

16 what we said, then I'm sure that's correct.

17   JUDGE GIANNETTI: Why don't you look into it.

18 What we would like to see is a request for adverse judgment on

19 those claims 3 and 12. That's in the 860 case. So it would be

20 claims 3 and 12 of the '640 patent. And I believe you said that --

21 and I'll give you the page cite but not at the moment. You said

22 that in your papers that you would be disclaiming those. I didn't

23 see a disclaimer in the record, so that's why I'm requesting that

24 you enter a request for adverse judgment. If you are not prepared

25 to do that now, then I would like you to do that within a few days

1   of the hearing so that we know what we are dealing with when we

2   write our final decision.

3   The other thing I want to address in the nature of

4   housekeeping, you recall in the -- in light of the *SAS* case, the

5   Supreme Court's decision in *SAS*, we issued an order adding some

6   grounds to the cases. Do you recall that order, Mr. Laney?

7   MR. LANEY: Yes, Your Honor.

8   JUDGE GIANNETTI: We would like a joint

9   agreement to limit the case to the grounds on which we initially

10   instituted the proceedings. I don't know how serious you are with

11   those grounds, but what we would like to see, if the parties are in

12   agreement, is a joint agreement to limit the petition to the grounds

13   originally instituted. Are you willing to do that now or is that

14   something you want to take under advisement?

15   MR. ANTHONY: We are, for patent owner, Your

16   Honor.

17   JUDGE GIANNETTI: Just so that we know what we

18   are talking about, in the 860 case, it would be Lam and Assanelli,

19   103 with respect to claims 5, 7, 14 and 16, and Assanelli and Lam

20   with regard to claims 3, 5, 7, 12, 14 and 16. In the 910 case it

21   would be claims 1 through 21, the 103 ground on Assanelli and

22   Lam, and claims 8, 9, 14, 15, 20 and 21, the 103 grounds with

23   respect to Assanelli, Lam and Palusamy. The parties agree that

24   we can limit the petition to the original claims and those claims

25   would not be -- and the grounds would not be included?

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