

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ITRON NETWORKED SOLUTIONS, INC.,  
Petitioner,

v.

ACOUSTIC TECHNOLOGY, INC.,  
Patent Owner.

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Case IPR2017-01024 (Patent 6,509,841 B1)  
Case IPR2017-01030 (Patent 5,986,574)  
Case IPR2017-01031 (Patent 5,986,574)

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Record of Oral Hearing  
Held: June 4, 2018

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Before THU A. DANG, JOSIAH C. COCKS, and PATRICK M. BOUCHER,  
*Administrative Patent Judges.*

Case IPR2017-01024 (Patent 6,509,841 B1)  
Case IPR2017-01030 (Patent 5,986,574)  
Case IPR2017-01031 (Patent 5,986,574)

APPEARANCES:

ON BEHALF OF THE PETITIONER:

ADAM R. BRAUSA, ESQUIRE  
DURIE TANGRI, LLP  
217 Leidesdorff Street  
San Francisco, California 94111  
(415) 362-6666

ON BEHALF OF THE PATENT OWNER:

DAN CALLAWAY, ESQUIRE  
JAMES L. DAY, ESQUIRE  
FARELLA BRAUN MARTEL, LLP  
235 Montgomery Street  
San Francisco, California 94104  
(415) 954-4924

The above-entitled matter came on for hearing on June 4, 2018,  
commencing at 12:10 p.m., at the U.S. Patent and Trademark Office, USPTO  
Madison Building, 600 Dulany Street, Alexandria, Virginia 22314.

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1 PROCEEDINGS

2 JUDGE COCKS: Good afternoon. Welcome to the  
3 Board.

4 We're here today for a consolidated oral argument  
5 for three proceedings: IPR 2017-01024, -01030, and  
6 -01031 involving Patent 6,509,841 and 5,986,574.

7 Let's begin with introduction of counsel. Would  
8 counsel for petitioner please state their appearance today.

9 MR. BRAUSA: Good afternoon. I'm Adam Brausa  
10 from the Durie Tangri law firm on behalf of petitioner,  
11 Itron Network Solutions.

12 JUDGE COCKS: Thank you, Mr. Brausa.

13 And would counsel for patent owner please state  
14 their appearance.

15 MR. BRAUSA: Thank you, Your Honor. Counsel  
16 for patent owner Acoustic Technology, Inc. I'm Dan  
17 Callaway of Farella Braun & Martel.

18 And with me is Jim Day, also of Farella Braun &  
19 Martel.

20 JUDGE COCKS: All right. Thank you,  
21 Mr. Callaway.

22 Now, as we indicated in our trial hearing order,

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1 each side has 60 minutes of argument time. Petitioner bears  
2 the burden of showing unpatentability, so they will present  
3 their case first -- you may reserve rebuttal time -- patent  
4 owner will argue their opposition to petitioner's case, and  
5 then petitioner will use any time they've reserved for  
6 rebuttal.

7 That being said, why don't you go ahead and take the  
8 podium, Mr. Brausa.

9 Before we begin, you had filed some objections to  
10 the patent owner's demonstratives. A couple comments on  
11 that.

12 The demonstratives are not part of the record at  
13 this point. They have not been filed in this proceeding.  
14 Any new argument that's offered here today will not factor  
15 into any final written decision, if that's the case, and any  
16 content of the -- as part of the motion to exclude, we've  
17 not ruled on the motion to exclude, so we're not going to  
18 prevent it from being an issue today.

19 So does that alleviate some of your concerns that  
20 you have raised?

21 MR. BRAUSA: It does, Your Honors. And just  
22 as a point of clarification, I want to make sure that  
23 in referencing any exhibits in the -- that are subject

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1 to the motion to exclude in either opening argument or  
2 rebuttal, that we're not waiving those arguments  
3 presented in the motion to exclude.

4 JUDGE COCKS: Okay. Duly noted.

5 MR. BRAUSA: Thank you. Would Your Honors  
6 like -- that are in the room -- would Your Honors like  
7 hard copies of the slides?

8 JUDGE COCKS: If you have prepared them, we  
9 will take them. Thank you.

10 MR. BRAUSA: Permission to approach?

11 JUDGE COCKS: Yes, please.

12 (Pause in the proceedings.)

13 JUDGE COCKS: Thank you.

14 JUDGE DANG: Thank you.

15 JUDGE COCKS: Another point of order is we  
16 have electronic copies of the demonstratives. Judge  
17 Boucher is joining us from Denver remotely. He will  
18 not be able to see anything that's displayed, but if  
19 you could reference the slide deck number, he will be  
20 able to follow along.

21 MR. BRAUSA: Understood. Thank you.

22 JUDGE COCKS: Okay.

23 MR. BRAUSA: Well, good afternoon, Your

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