

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LSI CORPORATION and AVAGO TECHNOLOGIES U.S., INC.,
Petitioners,

v.

REGENTS OF THE UNIVERSITY OF MINNESOTA,
Patent Owner.

IPR2017-01068
Patent 5,859,601 B2

Record of Oral Hearing
Held: January 19, 2021

Before JENNIFER S. BISK, ROBERT J. WEINSCHENK, and
CHARLES J. BOUDREAU, *Administrative Patent Judges*.

IPR2017-01068
Patent 5,859,601 B2

APPEARANCES:

ON BEHALF OF THE PETITIONERS:

KRISTOPHER REED, ESQ.
EDWARD MAYLE, ESQ.
Kilpatrick Townsend & Stockton LLP
1400 Wewetta Street, Suite 600
Denver, CO 80202
303-405-8536 (Reed)
303-607-3368 (Mayle)
kreed@kilpatricktownsend.com
tmayle@kilpatricktownsend.com

ON BEHALF OF THE PATENT OWNER:

PATRICK McELHINNY, ESQ.
MARK KNEDEISEN, ESQ.
K&L Gates LLP
210 Sixth Avenue
Pittsburgh, PA 15222
412-355-6334 (McElhinny)
patrick.mcelhinny@klgates.com
mark.knedeisen@klgates.com

The above-entitled matter came on for hearing on Tuesday, January 19, 2021, commencing at 1:00 p.m. EST, by video/by telephone.

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

2 1:00 p.m.

3 JUDGE BISK: This is a hearing for IPR 2017-01068. I have a
4 couple of administrative announcements before we get going.

5 First, before we begin the proceedings, we'd like to have the
6 attorneys spell their names for the court reporter. I'll have you do that in
7 just a second. And then, after the hearing, if you could stay on the line for
8 a few minutes to see if the court reporter has any questions for you, so we
9 get a clear transcript.

10 The second announcement is that I believe there's a public line in
11 this hearing today, and I know there is some confidential information in the
12 record. So, I just want the attorneys to make sure that you don't talk about
13 anything here that cannot be made public.

14 And then, the third thing is that we have Judge Weinschenk with us
15 on video and we have Judge Boudreau who's joining us by the phone
16 because he's having some power issues at his location.

17 All right. So, could I have the Petitioners' attorney spell your name
18 for the court reporter, please?

19 MR. MAYLE: Good afternoon. This is Edward Mayle,
20 M-A-Y-L-E, for Petitioners. On the line, also, is Kristopher Reed, lead
21 counsel. Last name, R-E-E-D, and Kristopher is with a "K."

22 JUDGE BISK: Okay. Thank you.

1 And Patent Owner's Attorney?

2 MR. McELHINNY: This is Pat McElhinny, M-C-E-L-H-I-N-N-Y,
3 of K&L Gates. And with me is my partner, Mark Knedeisen,
4 K-N-E-D-E-I-S-E-N.

5 JUDGE BISK: Okay. Thank you.

6 So, I believe we gave each party an hour of time. And, Petitioner,
7 you can -- both parties, actually, can save some of their time for rebuttal, if
8 they like.

9 So, Petitioner, how much time, if any, do you want to save for
10 rebuttal?

11 MR. MAYLE: I'd like to save at least 20 minutes.

12 JUDGE BISK: Twenty minutes? Okay. I will do my best to
13 watch the time and give you a signal if you're coming close. I sometimes
14 get wrapped up and forget. So, you might want to keep a note on the time
15 yourself.

16 Okay. Whenever you're ready.

17 MR. MAYLE: Good afternoon, and may it please the Board, my
18 name is Ed Mayle. I, along with Lead Counsel Kristopher Reed, represent
19 Petitioners.

20 What we're asking is that the Board find that Claims 13, 14, and 17
21 of the '601 patent be found anticipated by Okada and by Tsang, T-S-A-N-G.

1 We'll start with claim construction. If you look at slide 3, we have
2 our demonstratives. Claim 13 is there. The only disputed claim in this
3 IPR is the word "transition," which is in that claim. And as shown on slide
4 4, the University is asking the Board to settle Claim 13 and this word
5 "transition" with multiple magnetic limitation. The University argues that
6 "transition" means a reversal in the magnetic orientation of adjacent bit
7 regions along the recording track of a magnetic recording medium, but that
8 is not the customary and ordinary meaning of "transition." And neither the
9 intrinsic --

10 JUDGE BISK: I'm sorry, can you say what the plain and ordinary
11 meaning is?

12 MR. MAYLE: Well, we know that it at least has to cover any
13 binary system. So, it at least has to cover optical, magnetic, or any other
14 binary system that you could conceive of. And it is a --

15 JUDGE BISK: So, what about Patent Owner's alternative
16 construction?

17 MR. MAYLE: So, the alternative -- excuse me. I didn't know
18 you were -- go ahead.

19 JUDGE BISK: Oh, I'm sorry. I was just going to say that in your
20 briefing you say that it's not helpful, but, to me, that construction, I'm not
21 exactly sure what the problem with it is.

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