

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ASPHALT PRODUCTS UNLIMITED, INC.,  
Petitioner,

v.

BLACKLIDGE EMULSIONS, INC.,  
Patent Owner.

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Case IPR2017-01241 (Patent 7,503,724 B2)  
Case IPR2017-01242 (Patent 7,918,624 B2)

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Record of Oral Hearing  
Held: August 8, 2018

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Before MITCHELL G. WEATHERLY, JAMES A. TARTAL, and  
TIMOTHY J. GOODSON, *Administrative Patent Judges*.

Case IPR2017-01241 (Patent 7,503,724 B2)

Case IPR2017-01242 (Patent 7,918,624 B2)

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The above-entitled matter came on for hearing on Wednesday, August 8, 2018, commencing at 1 pm ET, at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.



1 including the original claims and any claims proposed by Patent  
2 Owner's Motion to Amend.

3 Patent Owner, you'll have an opportunity to respond to  
4 Petitioner's argument and, also, to argue in support of your Motion to  
5 Amend.

6 Petitioner, you can reserve time to respond to arguments  
7 presented by the Patent Owner during their presentation.

8 Before we start, I'd like to have everyone introduce  
9 themselves, including anyone you may have brought with you. And  
10 we'll start with Petitioner.

11 MR. LEACHMAN: Michael Leachman, and I'm here with  
12 my colleague Robert Waddell. We're here on behalf of Petitioner  
13 Asphalt Products Unlimited.

14 JUDGE WEATHERLY: Mr. Leachman, who's going to be  
15 making the presentations?

16 MR. LEACHMAN: I will, Your Honor.

17 JUDGE WEATHERLY: All right. Thank you very much.  
18 And Patent Owner?

19 MR. TRIGGS: Good afternoon. Yes, good afternoon, Your  
20 Honor.

21 John Triggs. I represent the Petitioner. I'll be making the  
22 argument. And my colleagues that are with me today -- the Patent  
23 Owner. Excuse me, Your Honor. The Patent Owner. And I'll be  
24 representing the Patent Owner here today. And my colleagues are

1 Seth Ogden, William Sekyi, Ryan Levy, and Mark Kilgore, all of  
2 Patterson Intellectual Property Law.

3 JUDGE WEATHERLY: Excellent. Thank you.

4 MR. TRIGGS: Thank you, Your Honor.

5 JUDGE WEATHERLY: Petitioner, how much time would  
6 you like to reserve for rebuttal?

7 MR. LEACHMAN: Your Honor, 15 minutes for rebuttal.

8 JUDGE WEATHERLY: Okay. Great.

9 So, anytime you're ready, you can come to the podium and  
10 begin. I'll start the time when you start.

11 MR. LEACHMAN: Would you like me to pass out the  
12 demonstratives before?

13 JUDGE WEATHERLY: Sure.

14 JUDGE TARTAL: Thank you.

15 JUDGE WEATHERLY: Anytime you're ready.

16 MR. LEACHMAN: Both the 724 and 624 patents are  
17 directed to using a low-tracking or no-tracking tack coat in highway  
18 construction. The 724 patent in the summary section, second  
19 sentence, specifies that the goal is to produce a tack coating with a pen  
20 value and a softening point in the range of hard pen asphalt  
21 compositions. That's in column 4, at lines 60 to 62.

22 In the application, and as well as in the 724 patent, it was  
23 represented that the invention was the use of hard pen asphalt  
24 compositions to produce these tack coats that reflect the properties of

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