

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PANDUIT CORP.,
Petitioner,

v.

CCS TECHNOLOGY, INC.,
Patent Owner.

Case IPR2017-01323 (Patent 6,758,600 B2)
Case IPR2017-01375 (Patent 6,869,227 B2)

Record of Oral Hearing
Held: July 18, 2018

Before JONI Y. CHANG, JENNIFER S. BISK and DANIEL J.
GALLIGAN, *Administrative Patent Judges*.

Case IPR2017-01323 (Patent 6,758,600 B2)
Case IPR2017-01375 (Patent 6,869,227 B2)

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The above-entitled matter came on for hearing on Wednesday, July 18, 2018, commencing at 12:00 p.m. at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

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

2 12:03 p.m.

3 JUDGE CHANG: Good afternoon. Welcome. This is a
4 hearing for IPR2017-01323 and IPR2017-01375. I'm administrative
5 patent judge Joni Chang. Here with me is Judge Jennifer Bisk and
6 Judge Daniel Galligan is joining us remotely from Dallas. And I just
7 want to double-check whether he can hear us.

8 JUDGE GALLIGAN: I can hear you. Can you hear me all
9 right?

10 JUDGE CHANG: Yes, that will be great.

11 JUDGE GALLIGAN: Thank you.

12 JUDGE CHANG: And also I just want to double-check where
13 is the camera showing right now.

14 JUDGE GALLIGAN: It's showing you right now but I think
15 they'll turn it and show the parties after you finish.

16 JUDGE CHANG: Okay, great. I just wanted to double-check
17 that.

18 JUDGE GALLIGAN: Thanks.

19 JUDGE CHANG: And this is a consolidated oral hearing for
20 both cases. At this time I would like to ask counsel please introduce
21 yourselves starting with the petitioner's side.

22 MS. CAPPAERT: Kate Cappaert from Steptoe & Johnson on
23 behalf of petitioner. With me is Kelly Eberspecher from Steptoe &

1 Johnson and in-house counsel from Panduit Jim Williams and
2 Anthony Bartosik.

3 JUDGE CHANG: Thank you so much. Welcome.

4 MR. HAYES: Good morning or good afternoon. Eric Hayes
5 and Billy Foster from Kirkland & Ellis on behalf of patent owner
6 Corning Optical Communication. With us today is Brad Rametta,
7 COC patent counsel, and Ben Nardone, Corning litigation counsel.

8 JUDGE CHANG: Great. Thank you so much and welcome.
9 Because Judge Galligan is participating remotely I ask that counsel
10 may speak only at the podium. That way he can hear.

11 And also for clarity please identify the specific slide number
12 so he can follow because the camera will not be facing the TV over
13 there.

14 But here consistent with our prior order each party has a total
15 of 45 minutes to present both cases. Starting with the petitioner to
16 present its case as to the challenged claims for both cases.

17 Thereafter the patent owner will respond to the petitioner's
18 case. Petitioner may reserve a small portion of your time for rebuttal.

19 And the transcript of this oral hearing will be entered in both
20 cases.

21 Is there any question before we begin?

22 MS. CAPPAERT: No, Your Honor.

1 JUDGE CHANG: And I just want to double-check did the
2 court reporter have at least a copy of your demonstratives?

3 MS. CAPPAERT: Yes.

4 MR. HAYES: Yes.

5 JUDGE CHANG: Great, thank you. You may start any time.

6 MS. CAPPAERT: Good afternoon. Just before I begin I was
7 planning on not displaying the demonstratives in the room if that's
8 okay with the panel.

9 JUDGE CHANG: That's okay.

10 MS. CAPPAERT: This is an oral argument for IPR's
11 challenging two patents. The '600 patent claims 3 and 4 and the '227
12 patent claims 6, 7 and 11.

13 JUDGE CHANG: Did you want to reserve any time?

14 MS. CAPPAERT: Can I reserve the remainder of my time for
15 rebuttal? I don't think I'll go too long but can I just reserve whatever I
16 have remaining after.

17 JUDGE CHANG: Sure.

18 MS. CAPPAERT: So again this is an oral argument for IPR
19 challenging the '600 patent and the '227 patent. Specifically for the
20 '600 patent claims 3 and 4 are at issue and for the '227 patent claims 6,
21 7 and 11 are at issue.

22 Both patents were previously challenged in IPRs. The '600
23 patent was challenged in IPR2016-01647 but that was directed to

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