

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HENDRICKSON USA L.L.C., GREAT DANE L.L.C.,
and QUEST GLOBAL, INC.,
Petitioners,

v.

TRANS TECHNOLOGIES COMPANY,
Patent Owner.

Case IPR2017-01510
Patent 7,669,465 B2

Record of Oral Hearing
Held: September 5, 2018

Before KEN B. BARRETT, JEFFREY A. STEPHENS, and
GARTH D. BAER, *Administrative Patent Judges*.

Case IPR2017-01510
Patent 7,669,465 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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The above-entitled matter came on for hearing on Wednesday, September 5, 2018, commencing at 1:00 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

P R O C E E D I N G S

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2 JUDGE BARRETT: Good afternoon, everyone. We have today
3 our final oral argument in IPR2017-01510, Hendrickson USA, Great Dane,
4 Quest Global versus Trans Technologies Company.

5 I am Judge Barrett. With me at the bench is Judge Baer and
6 appearing by video is Judge Stephens. I'd like to start with the parties'
7 appearances. Who do we have from Petitioner?

8 MR. BABBITT: Good afternoon, Your Honor. My name is
9 Michael Babbitt, lead counsel for Petitioner, and with me is Paul Ripp. And
10 if may I introduce the other people we have with us. My partner, Tim
11 Barron; in-house counsel for Great Dane, Jason Green; in-house counsel for
12 Hendrickson, Dean Frankel; Mr. Lloyd Farr, co-counsel, and David
13 Applegate, co-counsel.

14 JUDGE BARRETT: Thank you.

15 And for Patent Owner?

16 MR. GANTI: Good afternoon, Your Honors. For Patent Owner,
17 Vivek Ganti. With me is backup counsel, John North, and behind me
18 Jennifer Calvert.

19 JUDGE BARRETT: Thank you.

20 So we set forth the procedure for today's hearing in a trial order.
21 Just to remind everybody, for each case each party will have 60 minutes
22 total time and for clarity of the transcript and particularly to assist Judge
23 Stephens, when you refer to an exhibit, particularly demonstratives, please
24 identify by slide or page number so that he can follow along and that will
25 give us a cleaner transcript.

1 Petitioner will go first. You may reserve time for rebuttal. Patent
2 Owner, you will then have an opportunity to present your response and
3 Petitioner at that point, you can use your rebuttal time if you've reserved
4 any. I'll be watching the clock and give you warnings ahead of time.

5 Any questions?

6 (No response.)

7 JUDGE BARRETT: Well, with that, Petitioner, you may begin.

8 MR. BABBITT: Thank you, Your Honors. May it please the
9 Court. Your Honors, there's no dispute at this point in the trial that the three
10 base prior art references in Grounds 1 through 3 disclose all of the tire
11 inflation system elements of the claims at issue except for one element. And
12 we have multiple prior art teachings of that one missing element, the
13 well-known conventional relief valve that releases pressure at a set value.

14 So what I'd like to do today, Your Honors, is start with a brief
15 overview of three legal rationales for combining these elements of the prior
16 art and then I want to really dig into the supporting evidence with my slides
17 looking at the '465 patent, the prior art and importantly the multiple
18 admissions that we now have at this point in the trial from the Patent Owner
19 about the state of the art in the record, and I'd like to reserve at least 15
20 minutes for rebuttal time, please.

21 The first legal rationale is that Patent Owner's claims are nothing
22 more than a highly predictable combination of old tire inflation system
23 elements, and I will show you that the record is full of evidence that the
24 structure and the function of these elements was more than just known. It
25 was well-known and it was commonplace and it's part of the common
26 knowledge in the art, and that is a textbook case of obviousness under KSR.

1 As Your Honors well know, we have a combination of old elements
2 performing the same functions in the very same way.

3 Petitioners do not need anything more to show obviousness in this
4 case besides this first rationale, but I'd like to show you that we have other
5 compelling evidence in this case, considerably more evidence. For example,
6 the second rationale that I'd like to work with you through today on is that
7 there's express reason to combine the relief valve with the tire inflation
8 system in the prior art, and that's evident in each of the secondary references
9 in Grounds 1 through 3.

10 And, in particular as one of those examples, I want to emphasize
11 today the teachings of the Loewe prior art. That's in Ground 2. Loewe is a
12 roadmap of the express reasons to combine that we have in this case. Loewe
13 describes what it calls the "well-established reasons to use a relief valve to
14 avoid overinflation such as for better tire wear."

15 And let me talk about that for a minute. Because if you had better
16 tire wear, then you have a safer ride because you're less likely to get
17 blowouts. You have to replace your tires less often. You get better gas
18 mileage. You save money. This was the common knowledge in the art, and
19 I will show you the evidence and the admissions of that.

20 Just think about changing the tires on your own car. We've all
21 done it and we know that it's a pain. And it's even more of a pain for the
22 kinds of big tractor-trailers that we have at issue in this case with the tire
23 inflation systems. So if there's any way to make tire changes less frequent,
24 of course, there's reason to do that. That's one thing that was motivating
25 those of skill in this art before Patent Owner's invention.

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