

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DONGHEE AMERICA, INC. AND
DONGHEE ALABAMA, LLC,
Petitioners,

v.

PLASTIC OMNIUM ADVANCED
INNOVATION AND RESEARCH,
Patent Owner.

Case IPR2017-01605
Patent 7,166,253 B2

Record of Oral Hearing
Held: September 12, 2018

Before MITCHELL G. WEATHERLY, CHRISTOPHER M. KAISER, and
ROBERT L. KINDER, *Administrative Patent Judges*.

Case IPR2017-01605
Patent 7,166,253 B2

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The above-entitled matter came on for hearing on Wednesday, September 12, 2018, commencing at 12:59 p.m. at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

PROCEEDINGS

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JUDGE WEATHERLY: This is a hearing for IPR 2017-01605 relating to U.S. Patent 7,166,253. Petitioner is Donghee America, Inc. and Donghee Alabama, LLC, and Patent Owner is Plastic Omnium Advanced Innovation and Research.

I'm Judge Weatherly and I'm joined by Judge Kinder here in our hearing room and remotely by Judge Kaiser. Because the camera through which Judge Kaiser is viewing the proceedings is right above my head, you may want to look at that camera when you're addressing him and make him feel a little bit more part of the proceeding.

Please be sure to describe any slides that you're using during your presentation by number, so that it's easier for Judge Kaiser to follow along and makes the record easier for us to use after the fact.

Pursuant to our hearing order, each party has 30 minutes to present their arguments. Petitioner will proceed first, because it bears the burden of proving unpatentability followed by Patent Owner. Petitioner and Patent Owner both may reserve time to rebut the opposing party's arguments, and Patent Owner will go last today.

Before we begin, I'd like to have Petitioner introduce yourselves and whom you have with you, and we'll have introductions from Patent Owner right after that before we begin our hearing.

MR. DE BLANK: Thank you, Your Honor.

1 Bas De Blank on behalf of Petitioner, and with me is Nick Lamb and
2 Alyssa Caridis.

3 JUDGE WEATHERLY: Okay. And will you be making the
4 presentation for Petitioner today or --

5 MR. DE BLANK: Yes, Your Honor.

6 JUDGE WEATHERLY: All right. Excellent.
7 And Patent Owner.

8 MR. SHIER: Vincent Shier representing Patent Owner. With me
9 today is Chris Ricciuti. Mr. Ricciuti will be presenting the case for Plastic
10 Omnium.

11 JUDGE WEATHERLY: Okay.

12 MR. SHIER: And just a note that we will reserve five minutes of
13 time at the end for rebuttal.

14 JUDGE WEATHERLY: All right.

15 And, Petitioner, how much time were you planning on reserving?

16 MR. DE BLANK: Your Honor, our understanding is that you want
17 us to present our argument on both the original and amended claims of
18 interest.

19 JUDGE WEATHERLY: Yes.

20 MR. DE BLANK: Then, we'll reserve five minutes as well.

21 JUDGE WEATHERLY: Five minutes, okay.

22 All right. Unless anybody has any questions, I think we're ready to
23 begin the argument, and so, Petitioner, whenever you're ready, you can come
24 to the podium and get us going.

1 MR. DE BLANK: Thank you, Your Honor. Good afternoon, Your
2 Honor. In this presentation, and I appreciate the Board's time, we'll address
3 both the original and the amended claims and how they are unpatentable in
4 light of the prior art, and for the amended claims in addition why they are
5 improper new matter and lack a written description.

6 There's a number of issues and number of grounds to be covered.
7 I'll focus on what I understand to be the key issues and disputes between the
8 parties, but, of course, if the Board has any questions or wants to address
9 anything that's in the papers, but I haven't covered in the presentation, please
10 just let me know.

11 Turning to Slide 4, the first issue, the key issue, is the claim
12 construction. The Board and the parties have agreed on a construction of
13 two terms, hollow body and accessory. And there are three disputed terms
14 shown on Slide 5.

15 The first term, and what really is central to both the original and the
16 amended claims, is whether the term "incorporated" is -- simply means
17 inserting, as Petitioners have argued is the broadest reasonable
18 interpretation, or should be limited to requiring attaching -- requiring
19 attaching before a mold closure as Patent Owners have argued.

20 In the papers, I want to note, Patent Owners -- and I'll turn to Slide 6
21 -- had actually gone beyond simply attaching and say that has to require
22 specific forms of attaching welding mechanical or chemical attachment
23 where they tried to distinguish attachments form in the prior art by Keller.

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