

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HUTCHINSON TECHNOLOGY, INC.,
HUTCHINSON TECHNOLOGY OPERATIONS (Thailand) CO., LTD.,
Petitioner,

V.

NITTO DENKO CORPORATION,
Patent Owner.

Case IPR2017-01607
Patent 8,692,126

Record of Oral Hearing
Held: October 2, 2018

Before MELISSA A. HAAPALA, *Acting Vice Chief Administrative Patent Judge*, and THOMAS L. GIANNETTI and CHRISTA P. ZADO, *Administrative Patent Judges*.

Case IPR 2017-01607

Patent 8,692,126

APPEARANCES:

ON BEHALF OF PETITIONER:

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The above-entitled matter came on for hearing on October 2, 2018, commencing at 2:01 p.m., at the U.S. Patent and Trademark Office, Madison Building, 600 Dulany Street, Alexandria, Virginia, 22314.

1 PROCEEDINGS

2 JUDGE GIANNETTI: So good afternoon, everyone.
3 This is the final hearing in IPR2017-01607, Hutchinson
4 Technology versus Nitto Denko Corporation involving patent
5 8,692,126. I'm Judge Giannetti. I will be presiding
6 today. Two other judges on our panel appear on the screen to
7 my left, Judge Zado and Judge Haapala appearing remotely.

8 Counsel -- I see counsel here, so let's start by
9 getting your appearances. Let's first start with the
10 petitioner. Who is appearing today for the petitioner?

11 MS. HAYES: Good afternoon, Your Honors. Jennifer
12 Hayes from Nixon & Peabody on behalf of petitioners, and with
13 me today are Mr. Ron Lopez and Mr. Matthew Werber also of
14 Nixon & Peabody.

15 JUDGE GIANNETTI: Welcome, back Ms. Hayes.

16 MS. HAYES: Thank you.

17 JUDGE GIANNETTI: And for the patent owner?

18 MR. CHACHKES: Good afternoon, Your Honor. Alex
19 Chachkes from Orrick, Herrington & Sutcliffe for patent owner
20 Nitto Denko, and with me today is K. Patrick Herman.

21 JUDGE GIANNETTI: Welcome back, Mr. Chachkes.

22 MR. CHACHKES: Thank you, Your Honor.

23 JUDGE GIANNETTI: So we just have one argument
24 today, one case. The ground rules, 60 minutes per side

1 starting with petitioner. The petitioner may reserve time
2 for rebuttal. There's a motion to amend, so I invite you to
3 address the motion to amend in your presentation, Mr.
4 Chachkes.

5 All right. We have your demonstratives. I
6 believe the remote judges have them also, but it will be
7 helpful and I will remind you that as you go through your
8 presentation please cite to the page numbers in the
9 demonstratives so that our judges can follow along.

10 Any questions before I begin, Mr. Chachkes,
11 anything?

12 MR. CHACHKES: No, Your Honor.

13 MS. HAYES: No, Your Honor.

14 JUDGE GIANNETTI: Ms. Hayes?

15 MS. HAYES: No, Your Honor.

16 JUDGE GIANNETTI: So I'll set the timer for
17 60 minutes, and Mr. Chachkes, you -- excuse me. Ms. Hayes,
18 you are on first.

19 MS. HAYES: Yes, Your Honor.

20 JUDGE GIANNETTI: And you may proceed when you are
21 ready.

22 MS. HAYES: Good afternoon, Your Honors. May it
23 please the board, I'd like to reserve 15 minutes for rebuttal
24 time, please.

1 JUDGE GIANNETTI: That's fine.

2 MS. HAYES: We're here today to talk about the
3 '126 patent, and as set forth in the petition petitioners
4 believe that the claims of the '126 patent are anticipated by
5 or obvious over the Pan reference that is set forth in
6 grounds 1 through 4 of the petition.

7 The claims are also anticipated by or rendered
8 obvious by the Yokai reference which is grounds 5 and 6 in
9 the petition, and today we'll also be addressing patent
10 owner's contingent motion to amend which petitioners believe
11 should be denied, and I'll address those in the order set
12 forth on slide 2 of our slide deck.

13 So starting first with the Pan reference, and
14 claims 1 and 12 in particular are the independent claims that
15 are shown on slide 4 of petitioner's slide deck. Claims 1
16 and 12 are directed to a wired circuit board, and the key
17 limitations that we'll be addressing today are the metal
18 supporting layer in the wired circuit board and the reference
19 hole formed in the metal supporting layer that has a step
20 portion formed so as to surround on all sides the reference
21 hole.

22 And claims 1 and 12 are very similar. They both
23 include a limitation that the step portion can be formed in
24 the insulating layer and/or the conductive layer. Claim 1

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