

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 IPR2017-01633 (Patent 6,866,812 B2)
Case IPR2017-01647 (Patent 6,814,921 B1)

Record of Oral Hearing
Held on October 22, 2018

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

Case IPR2017-01633 (Patent 6,866,812 B2)

Case IPR2017-01647 (Patent 6,814,921 B1)

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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ON BEHALF OF THE PATENT OWNER:

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The above-entitled matter came on for hearing on October 22, 2018, commencing at 1:00 p.m., at the U.S. Patent and Trademark Office, Madison Building, 600 Dulany Street, Alexandria, Virginia, 22314.

P R O C E E D I N G S

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2 JUDGE WEATHERLY: Welcome back.

3 MR. de BLANK: Thank you.

4 JUDGE WEATHERLY: It's been a little while, but not
5 too long.

6 This is a hearing for two cases today;
7 IPR2017-01633 relating to U.S. Patent 6,866,812, and
8 IPR2017-1647 dealing with Patent No. 6,814,921.

9 My name is Judge Weatherly. I have Judge Kinder
10 here to my left, and Judge Kaiser is joining us remotely.

11 Because Judge Kaiser is appearing remotely, when
12 you're delivering your argument, please make sure that you
13 reference the slide numbers, if any, that you're using. It
14 will make it easier for him to follow along. It also makes
15 the transcript easier for us to use after the fact.

16 I like to have -- even though it's not been that
17 long since we've all been together, I'd like to have
18 everyone introduce themselves before we start. Also, each
19 side is going to get 60 minutes today.

20 I understand we're going to have petitioner giving
21 its entire case for both cases, followed by patent owner,
22 then we'll go back to petitioner, and patent owner will have
23 the last word on a surrebuttal.

24 I think our preferences are to keep surrebuttals as
25 short as possible.

1 So anyway, back to the introductions. Please, we'll
2 have everyone introduce themselves -- reintroduce
3 themselves, starting with petitioner and anyone you brought
4 with you.

5 MR. de BLANK: Thank you, Your Honor. My name is
6 Bas de Blank with Orrick Herrington & Sutcliffe. With me are
7 Nicholas Lam and Alyssa Caridis from Orrick. And also
8 representatives from real party interests Kautex Textron,
9 Fletcher Thompson and James Wensetter (sounds like).

10 JUDGE WEATHERLY: Okay.

11 MR. MATTSON: Good afternoon, Your Honor. Robert
12 Mattson with The Oblon Firm for patent owner, Plastic Omnium.
13 With me is Chris Ricciuti and Vincent Shier. Mr. Ricciuti
14 will be presenting today for Plastic Omnium.

15 JUDGE WEATHERLY: Okay. Excellent.

16 So petitioner, since you're going first, how much
17 time would you like to reserve for rebuttal?

18 MR. de BLANK: 15 minutes, Your Honor.

19 JUDGE WEATHERLY: 15 minutes. Okay.

20 Whenever you're ready to come to the podium.

21 MR. de BLANK: Your Honor, if you want, we have
22 physical copies of the demonstratives that we can give you,
23 as well --

24 JUDGE WEATHERLY: Sure.

25 MR. de BLANK: -- if it's easier.

26 (Pause in the proceedings)

1 MR. de BLANK: Thank you, Your Honors. Good
2 afternoon. As I said, my name is Bas de Blank. I'm here on
3 behalf of petitioners.

4 I'm going to begin with the '812 patent, followed by
5 the '921 patents. I'll focus on what I understand to be the
6 key disputes and issues between the parties, but of course,
7 I would like to address whatever questions Your Honors may
8 have, so please direct me in any way you'd like.

9 Starting with the '812 patent and turning to
10 Slide 3.

11 There are four grounds for obviousness of the
12 challenged claims; Claims 32, 48 through 41, 44 and 45, and
13 then parallel Claims 16, 24 through 27, 30 and 31.

14 The first ground is a combination of the Kasugai
15 reference and Kagitani, and that's a reference -- the
16 combination I'll focus on for the most part.

17 The second ground adds an additional reference,
18 Hata, to address the limitations added by Independent
19 Claim 16, but that's really not in dispute, either the
20 combination, the motivation to add Hata, or that the
21 combination with Hata would address -- would be every
22 element of the claims charged in grounds two. The
23 dispute -- provided, of course, that there's a motivation to
24 combine Kasugai and Kagitani, as petitioners have described.

25 I will then touch on the other grounds, time
26 permitting.

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