

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MULTI PACKAGING SOLUTIONS, INC.,
Petitioner,

v.

CPI CARD GROUP -- MINNESOTA, INC.,
Patent Owner.

Case IPR2017-01650
Patent 8,419,889 B2

Record of Oral Hearing
Held: October 3, 2018

Before GRACE KARAFFA OBERMANN, CHRISTOPHER M. KAISER,
and JEFFREY W. ABRAHAM, *Administrative Patent Judges*.

Case IPR2017-01650
Patent 8,419,889 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

MARK D. ROWLAND, ESQ
HENRY Y. HUANG, ESQ
KEYNA CHOW, ESQ
Ropes & Gray LLP
1900 University Avenue, 6th Floor
East Palo Alto, California 94303-2284
(650) 617-4000
mark.rowland@ropesgray.com
henry.huang@ropesgray.com
keyna.chow@ropesgray.com

ON BEHALF OF THE PATENT OWNER:

MICHAEL J. SCHEER, ESQ.
The Law Office of Michael J. Scheer
5531 Murietta Avenue
Sherman Oaks, California 91401
(818) 616-3363
mscheer@michaelscheer.com

JAMES C. LIN, ESQ
Winston & Strawn LLP
275 Middlefield Road, Suite 205
Menlo Park, California 94025
(650) 858-6434
JaLin@winston.com

The above-entitled matter came on for hearing on Wednesday, October 3, commencing at 1:00 p.m. at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

PROCEEDINGS

- - - - -

JUDGE OBERMANN: Welcome to the PTAB. This is a final hearing in IPR 2071-01650. The Petitioner is Multi Packaging Solutions, Inc., and the patent owner is CPI Card Group, Inc.

Petitioner challenges the patentability of all claims, that's claims 1 through 30, of U.S. Patent Number 8,419,889.

I'm Judge Obermann, and with me today on the panel are Christopher Kaiser who's appearing from -- remotely from Denver. He's on the screen.

And to my left is Judge Jeffrey Abraham.

Let's start with counsel introductions, beginning with Petitioner.

MR. ROWLAND: Thank you, Your Honor. Mark Rowland of Ropes and Gray on behalf of Petitioner.

With me at the table is Keyna Chow and Henry Huang, also of Ropes and Gray.

And, with us, we have our client representative, Kym Wellons.

JUDGE OBERMANN: Thank you. And Mr. Rowland, will you be presenting argument fully today or will you be handing it off to anyone?

MR. ROWLAND: I will present our opening -- I'll make our opening presentation; Mr. Huang will handle the rebuttal.

JUDGE OBERMANN: Okay, thank you so much.

Who do we have for patent owner?

1 MR. SCHEER: Michael Scheer of the Law Office of Michael J.
2 Scheer, representing patent owner CPI Group, Incorporated. And with me
3 is James Lin of the law firm of Winston and Strawn.

4 And, I will be doing all of the presentation today.

5 JUDGE OBERMANN: Okay. Thank you, Mr. Scheer.

6 Okay. Each party has 60 minutes of total time to present their
7 arguments, and both sides in this case may reserve some rebuttal time.

8 The hearing is open to the public. Does any party feel that they're
9 going to be needing to disclose confidential information as opposed to just
10 referring us by page or line number to confidential information?

11 MR. ROWLAND: Your Honor, I think by agreement, we're not
12 going to --

13 JUDGE OBERMANN: Okay.

14 MR. ROWLAND: -- be revealing the confidential information itself.

15 JUDGE OBERMANN: Okay. Thank you. So, in that case, we're
16 going to keep the hearing room open at all times.

17 I would like to keep as a goal, the hearing should be focused on the
18 merits. So, towards that end, I'm going to ask Counsel not to interrupt each
19 other to object to anything. If you have objections, you can raise and
20 discuss them during your own response or rebuttal.

21 So, in other words, any objections you make should count against
22 your own time.

23 The only exception to that rule is if either a party or a Judge
24 inadvertently discloses confidential information, then the owner should jump

1 up and we'll mark the record, and we'll try to remediate that as soon as
2 possible.

3 The ultimate burden is on the party making the disclosure though to
4 bring it to our attention, please.

5 The panel has considered patent owner's objections to Petitioner's
6 demonstrative exhibits, and I just want to confirm that we received no
7 objections filed by Petitioner as to patent owner's demonstratives. Is that
8 correct?

9 MR. SCHEER: That's correct, Your Honor.

10 JUDGE OBERMANN: Okay, great.

11 We have considered patent owner's objections, and we find that none
12 warrants the exclusion of any demonstrative exhibit. Petitioner, you are
13 free to use your exhibits during the presentation, and the panel will take
14 account of any objection that the patent owner has raised in connection with
15 any particular one.

16 To the extent the patent owner argues that certain of Petitioner's
17 demonstratives present argument that exceeds the scope of a proper reply,
18 we take account of the fact that you, the patent owner, have filed a surreply
19 and we are very used to having to discern argument that's advanced in a
20 reply brief in trying to calculate whether it's new or fairly responsive. And
21 we'll do that in our final written decision.

22 But that said, I know that there were a couple of slides, I think it was
23 slides 12 and 25 where patent owner has actually alleged that there's
24 information on those slides that wasn't included in either the Petition or a

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.