

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.

IPR2017-01654 (Patent 9,079,490 B2)
IPR2017-01890 (Patent 9,399,327 B2)
IPR2017-01945 (Patent 9,399,326 B2)

Record of Oral Hearing
Held: November 5, 2018

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

IPR2017-01654 (Patent 9,079,490 B2)
IPR2017-01890 (Patent 9,399,327 B2)
IPR2017-01945 (Patent 9,399,326 B2)

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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

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P R O C E E D I N G S

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2 JUDGE WEATHERLY: All right. Thank you for bearing with
3 us while we get our electronic systems in order. So I've already said good
4 afternoon, I'll say it again. This is a hearing for three proceedings, IPR
5 2017-01654, IPR 2017-01890 and IPR 2017-01945 relating to U.S. patent
6 numbers 9,079,490, 9,399,327 and 9,399,326 respectively.

7 Petitioner is Donghee America Inc., and Donghee Alabama
8 LLC., and Patent Owner is Plastic Omnium Advanced Innovation and
9 Research. I'm Judge Weatherly and I'm joined to my left by Judge Kinder
10 and Judge Kaiser of our Denver Regional Office is joining us remotely.
11 Because the camera through which Judge Kaiser is viewing the proceedings
12 is located up behind my head you may want to look at that camera when
13 you're addressing him, it may make him feel a little more part of the
14 proceedings here. Please also while you're making your presentation be sure
15 to identify the slide number that you're using if there is one so that it helps
16 Judge Kaiser follow along and it also makes the transcript easier for us to
17 use after the fact.

18 Pursuant to our Hearing Order each party has 60 minutes to
19 present their argument for all three cases. They can divide it among the three
20 proceedings as they see fit. Petitioner will proceed first because you bear
21 the burden of proving unpatentability followed by the Patent Owner.
22 Petitioner you can reserve rebuttal time, Patent Owner you can reserve
23 rebuttal time also and you'll have the last word today during the proceeding.
24 Before we begin, I recognize Mr. Ricciuti on the Patent Owner's side but I

IPR2017-01654 (Patent 9,079,490 B2)

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1 think we have new counsel appearing, at least for the argument today for
2 Donghee, so if you could stand and introduce yourselves and anyone you've
3 brought with -- oh, I see that no one has brought anyone with them today so.

4 MS. CARIDIS: Good afternoon, Your Honors. Alyssa Caridis
5 on behalf of Petitioners from Orrick, Herrington & Sutcliffe and with me is
6 my partner, Vann Pearce, also from Orrick.

7 JUDGE WEATHERLY: Okay. And who will be making the
8 presentation?

9 MS. CARIDIS: I will be.

10 JUDGE WEATHERLY: And pardon me for asking, but your
11 name again?

12 MS. CARIDIS: Alyssa Caridis.

13 JUDGE WEATHERLY: Caridis.

14 MS. CARIDIS: Yes.

15 JUDGE WEATHERLY: All right, great. Thank you very
16 much. How much time would you like to reserve for rebuttal?

17 MS. CARIDIS: Fifteen minutes, Your Honor.

18 JUDGE WEATHERLY: Fifteen minutes. And for Patent
19 Owner?

20 MR. SHIER: Vincent Shier from Oblon representing the Patent
21 Owner Plastic Omnium. With me today is Mr. Chris Ricciuti who will be
22 arguing on behalf of the Patent Owner.

23 JUDGE WEATHERLY: All right. Thank you very much. So
24 how much time would Patent Owner like to reserve for surrebuttal, do you
25 know?

IPR2017-01654 (Patent 9,079,490 B2)

IPR2017-01890 (Patent 9,399,327 B2)

IPR2017-01945 (Patent 9,399,326 B2)

1 MR. SHIER: Ten minutes, Your Honor.

2 JUDGE WEATHERLY: Ten minutes. All right. Petitioner,
3 whenever you're ready you can come to the podium and after everything is set
4 up and just let us know --

5 MS. CARIDIS: May I pass up physical exhibits, Your Honor?

6 JUDGE WEATHERLY: Absolutely.

7 JUDGE KINDER: All 178 pages of them?

8 MS. CARIDIS: Yes. I promise not to talk about all of them.

9 JUDGE WEATHERLY: Whenever you're ready.

10 MS. CARIDIS: May it please the Board. Again, my name is
11 Alyssa Caridis and I will be arguing today on behalf of the Donghee
12 Petitioners. Throughout my time this afternoon I will attempt to address
13 what I believe to be the areas of dispute between the parties and the three
14 IPRs that we are here to discuss. Of course, if there are any elements or
15 questions that Your Honors have that I do not address I will be happy to
16 address those.

17 The subject of the three IPRs that we're here today to discuss
18 relate to the concept of snap-riveting or stake fastening accessories to fuel
19 tank walls. Of course, the parties have had prior oral arguments before Your
20 Honors. Those patents in those IPRs dealt with how to make the fuel tank
21 shells themselves. These IPRs, these patents, discuss how to attach
22 accessories to the fuel tank so there's a little bit of a spin on the focus of
23 these patents.

24 So let's take a step back and remind ourselves with snap-
25 riveting is and here I'm looking at slide 6, the 490 patent gives a description

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