

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

POWER-PACKER NORTH AMERICA, INC.,  
d/b/a GITS MANUFACTURING CO.,  
Petitioner,

v.

G.W. LISK CO., INC.,  
Patent Owner.

---

Cases IPR2017-02034 and IPR2017-02035  
Patent 6,601,821 B2

---

Record of Oral Hearing  
Held: December 12, 2018

---

Before BART A. GERSTENBLITH, GEORGE R. HOSKINS, and  
TIMOTHY J. GOODSON, *Administrative Patent Judges*.

IPR2017-02034 and IPR2017-02035  
Patent 6,601,821 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

JONATHAN H. MARGOLIES, ESQUIRE  
EDWARD R. LAWSON, Jr., ESQUIRE  
KATHERINE W. SCHILL, ESQUIRE  
Michael Best & Friedrich, LLP  
100 East Wisconsin Avenue, Suite 3300  
Milwaukee, Wisconsin 53202

ON BEHALF OF THE PATENT OWNER:

MICHAEL J. BERCHOU, ESQUIRE  
ANDREW J. ANDERSON, ESQUIRE  
Harter Secrest & Emery, LLP  
50 Fountain Plaza  
Suite 1000  
Buffalo, New York 14202-2293

The above-entitled matter came on for hearing on Wednesday, December 12, 2018, commencing at 1:00 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

P R O C E E D I N G S

- - - - -

JUDGE GERSTENBLITH: Good morning, everyone. We are here for oral argument in two related cases, IPR2017-02034 and IPR2017-02035, Power-Packer North America, Incorporated, doing business as GITS Manufacturing Company versus G.W. Lisk Company, Incorporated.

I'm Judge Gerstenblith. And to my left on the screens, on the far left is Judge Hoskins appearing remotely from Michigan. And on the right side of our screen is Judge Goodson appearing remotely from California.

Let's start with petitioner, and I'll ask each counsel to come up to the podium, please, and enter your name for the record.

MR. MARGOLIES: Good afternoon, Your Honors. Jon Margolies on behalf of petitioner. I will primarily be doing the argument today.

JUDGE GERSTENBLITH: Welcome. Are you also with petitioner?

MR. MARGOLIES: Do you want me to introduce everybody?

JUDGE GERSTENBLITH: That would be great.

MR. MARGOLIES: With me today is lead counsel, Ed Lawson, and my colleague, Katherine Schill. We also have with us James Dennis, who is general counsel North America of Power-Pack.

JUDGE GERSTENBLITH: Thank you. Welcome.

MR. BERCHOU: Good afternoon, Your Honor. My name is Michael Berchou. And I'm here with my partner, Andrew Anderson, on behalf of G.W. Lisk.

1 JUDGE GERSTENBLITH: Welcome. Before we begin, let me  
2 just confirm that there are no outstanding motions on either side; is that  
3 right, Mr. Margolies, for petitioner?

4 MR. MARGOLIES: I believe that's correct. This court seems to  
5 have ruled on the motion for observations.

6 JUDGE GERSTENBLITH: I will say that that is a slight  
7 misnomer. There is nothing to actually rule on. It's just the parties giving us  
8 notice of certain things. So I understand that there is a motion for  
9 observations and response, but there's no other?

10 MR. MARGOLIES: No other pending matters.

11 MR. BERCHOU: Correct.

12 JUDGE GERSTENBLITH: We set forth the procedure for today's  
13 hearing in our trial order, which is paper 25 in IPR2017-02034 and paper 23  
14 in IPR2017-02035. Although these cases are not consolidated, our trial  
15 order indicates that the oral arguments will be held together and a single  
16 transcript will be provided.

17 Each party will have 90 minutes of total argument time. Don't feel  
18 like you have to use the entire time. We never object to that. We will begin  
19 with petitioner, who will start with your case-in-chief for both cases. You  
20 may reserve time for rebuttal. Then we will turn to patent owner. Patent  
21 owner may also reserve time for rebuttal in the initial argument, responding  
22 to what petitioner has said and in the rebuttal time responding to anything  
23 petitioner raised during its rebuttal.

24 I have a timer up here, which in this room doesn't actually show  
25 you the number of minutes remaining. It goes by a green light, yellow light,  
26 red light. And I'm happy to set that timer for whatever time you would like

1 the light to change. So for example, if you wanted to reserve 30 minutes for  
2 rebuttal, I can set it for 60 so you know if that goes on, you still have the  
3 rebuttal time. Or we don't have to use it at all. Totally up to what either  
4 counsel would like. When you come up to the podium, just let me know,  
5 and I'm happy to change it.

6 Also, we have your demonstratives. Have you each handed one to  
7 the court reporter?

8 MR. MARGOLIES: Yes, we have, Your Honor.

9 MR. BERCHOU: Yes.

10 JUDGE GERSTENBLITH: Remember two things that you may  
11 not know. One is that the judges appearing remotely cannot actually see the  
12 screen that we have here up on the wall showing the demonstratives. They  
13 have the demonstratives, but they can't see that screen. So as you are going  
14 through, if you are using a demonstrative or other thing that you are  
15 referring to, please refer to the slide number or page or whatever it is that we  
16 may be looking at here, both so that they can keep on target and the  
17 transcript is as clear as possible.

18 Petitioner, any questions about what I just said?

19 MR. MARGOLIES: No, Your Honor.

20 JUDGE GERSTENBLITH: Patent owner, any questions?

21 MR. BERCHOU: No, Your Honor.

22 JUDGE GERSTENBLITH: Let me just add one thing, which is  
23 that we will take at least one break, most likely after petitioner's opening.  
24 The floor is yours, sir.

25 MR. MARGOLIES: Thank you, Judge Gerstenblith, Judge  
26 Hoskins, Judge Goodson. I would like to reserve 40 minutes for rebuttal. I

# 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.