

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

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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

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