

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

YAMAHA GOLF CAR COMPANY,
Petitioner,

v.

CLUB CAR, LLC,
Patent Owner.

Case IPR2017-02141 (Patent 7,239,965 B2)
Case IPR2017-02142 (Patent 7,239,965 B2)
Case IPR2017-02143 (Patent 7,480,569 B2)
Case IPR2017-02144 (Patent 7,480,569 B2)

Record of Oral Hearing
Held: February 14, 2019

Before JOSIAH C. COCKS, CARL M. DeFRANCO, and
ROBERT L. KINDER, *Administrative Patent Judges*.

Case IPR2017-02141 (Patent 7,239,965 B2)
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The above-entitled matter came on for hearing on Thursday, February 14, 2019, commencing at 1:00 p.m. at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

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1 PROCEEDINGS

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3 12:59 p.m.

4 JUDGE KINDER: All right, good afternoon, everyone. I'm Judge
5 Kinder, and with me today sitting to my right is Judge Cocks and remotely
6 should be Judge DeFranco.

7 JUDGE DEFRANCO: Yes, Judge Kinder, I'm here.

8 JUDGE KINDER: Okay. So he will be audio. So when you are
9 reading a slide number since he is not actually in the courtroom if you post it
10 up as a demonstrative please indicate the slide number, let him know where
11 you're at. And it also helps when we're reviewing the record later on.

12 Today we are calling Yamaha Golf Car Company as petitioner
13 versus Club Car LLC patent owner. And we have four IPRs today, IPR
14 2017-02141 and 02142 involving U.S. patent 7,239,965 and then IPR 2017-
15 02143 and 02144 involving U.S. patent 7,480,569.

16 As I've already introduced the panel today if counsel for petitioner
17 could make an appearance and let us know who will be arguing today.

18 MR. DICKERSON: My name's Robert Dickerson here for
19 petitioner. With me at counsel table is Armand Ayazi also for petitioner.

20 JUDGE KINDER: Patent owner.

21 MR. MORTON: Yes, Your Honor. Cy Morton from the Robins
22 Kaplan law firm for Club Car. With me is Will Manske from Robins Kaplan

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1 and from my client Club Car is Travis Iams in the audience and I will be
2 arguing.

3 JUDGE KINDER: All right. So I'm going to go over a little bit of
4 information that was -- I think we put it out in the trial order.

5 But each party will have a total of 90 minutes today of argument
6 time. The parties may allocate their argument time at their discretion over
7 the four cases but not to exceed 90 minutes in total.

8 Somewhere in the middle, maybe after petitioner presents we'll
9 probably do a really quick five-minute recess just because it's a really long
10 time to go that long straight, about three hours plus.

11 So we'll do a quick recess and if one is needed during the hearing
12 please just raise your hand and interrupt and ask because this is a long
13 afternoon.

14 Petitioner will present arguments first. The patent owner will then
15 have the opportunity to respond to petitioner's arguments. Petitioner may
16 use any time it has reserved to rebut or respond to patent owner's arguments.

17 And then patent owner may also present a brief surrebuttal if it has
18 reserved time. The reply and the surrebuttal should only address issues that
19 are brought up in the hearing by the primary case in chief. So no new
20 material should be brought up in either.

21 The parties may also address pending motions to exclude or other
22 issues during their argument time. I'm going to ask petitioner, how much
23 time would you -- Mr. Dickerson, how much time would you like to reserve?

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1 MR. DICKERSON: Twenty minutes, Your Honor.

2 JUDGE KINDER: Thank you. And Mr. Morton, how much time
3 would you like to reserve for your surrebuttal?

4 MR. MORTON: Fifteen minutes.

5 JUDGE KINDER: All right. So that's how I will set the time
6 initially.

7 We have reviewed the objections to demonstratives and if those
8 come up today if you want to address them that's fine. We're not going to
9 make a ruling before the hearing today.

10 We are aware of the objections and we actually have a sheet here.
11 So if you're presenting a slide that the other side has objected to it may raise
12 questions that we stop and talk about as to the underlying evidence that
13 supports that slide. So just be aware of that if you're presenting one of the
14 slides that was objected to.

15 As far as demonstratives as we put in our order they are not
16 evidence. We don't consider them evidence. When we go to write the final
17 decision anything in the demonstratives that you talk about today that we're
18 looking at that is not supported in the record as evidence will obviously not
19 be part of our final decision-making.

20 All right, I think I have all the preliminary matters. And I believe
21 we're ready, Mr. Dickerson, whenever you are. Let me set your time first to
22 -- let me do the math here, 70 minutes, right?

23 MR. DICKERSON: Yes, sir. Thank you, Your Honor.

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