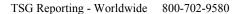
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Page 1
1
                  Telephonic hearing
       Trials@uspto.gov Paper No. 11
3
       571-272-7822
                             Entered: April 25, 2018
5
       UNITED STATES PATENT AND TRADEMARK OFFICE
7
      BEFORE THE PATENT TRIAL AND APPEAL BOARD
9
10
11
      WESTERN DIGITAL CORPORATION, Petitioner,
12
                        V.
13
              SPEX TECHNOLOGIES, INC.,
14
                   Patent Owner.
15
16
                 Case IPR2018-00082
17
                  Patent 6,088,802
18
19
    Before LYNNE E. PETTIGREW, DANIEL N. FISHMAN, and
20
    CHARLES J. BOUDREAU, Administrative Patent Judges.
21
    FISHMAN, Administrative Patent Judge.
22
                    TELEPHONE CONFERENCE
23
                        MAY 9, 2018
24
                     12:00 P.M. (C.S.T.)
25
      Job Number: 141987
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SPEX Technologies, Inc. IPR2018-00082 Ex. 2006



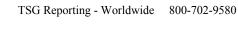
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Page 2
                   Telephonic hearing
       TELEPHONIC APPEARANCES:
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           Enrique Iturralde, Esquire
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           Brown Rudnick
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           Seven Times Square
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           New York, NY 10036
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		Page 3
1	Telephonic hearing	
2	YOUR HONOR FISHMAN: Conference call	
3	regarding two cases: IPR 201800082, IPR	
4	201800084.	
5	Patent Owner, you've requested this	
6	call to discuss SAS issues. Please	
7	proceed.	
8	MR. LAMBRIANAKOS: Thank you, Your	
9	Honor. This is Peter Lambrianakos for the	
10	patent owner. We asked to address these	
11	issues because as the Board is aware,	
12	these are two of the first cases where the	
13	Board has instituted on the entirety of a	
14	petition, even though the petitioner only	
15	met its burden as to a subset of the	
16	challenged claims.	
17	82 IPR, petitioner met its burden	
18	only with respect to two of the challenged	
19	claims, which are claims 38 and 39 of the	
20	patent, and in the 84 IPR, the petitioner	
21	met its burden with respect to three	
22	claims but not claim 56.	
23	And so we're seeking the Board's	
24	guidance on how to proceed, specifically	
25	first with respect to the 82 IPR. Our	

		Page 4
1	Telephonic hearing	
2	question there is: If the patent owner	
3	elects to waive its patent owner response,	
4	would the petitioner be permitted to file	
5	any paper in response to the institution	
6	decision?	
7	And specifically, our question is	
8	whether it would be permitted to present	
9	arguments or evidence addressing the	
10	claims as to which the petitioner did not	
11	meet its burden on institution in its	
12	original petition.	
13	YOUR HONOR FISHMAN: Petitioner,	
14	would you like to chime in?	
15	MR. BUROKER: Yes, Your Honor. This	
16	is Brian Buroker on behalf of the	
17	petitioner. First, I'd like to say that	
18	we haven't had an opportunity to really	
19	consider that issue. We were asked to	
20	join a conference call, status conference	
21	with the Board. We asked what they wanted	
22	to address, and they just said generally	
23	they wanted to address the post-stat	
24	issues and how the Board might react. And	
25	there wasn't a specific proposal made to	





Page 5 Telephonic hearing us before this call, except two hours ago in an email, that they might be waiving their patent owner response. And so we really haven't had a chance, Your Honor, to consult with the client and see what we would do, what we believe an accurate position to be. think that's my initial reaction is that 10 this call may be a bit premature and that 11 we may need to have a further 12 meet-and-confer in either a follow up 13 commission or a status conference. 14 general, we believe we should be entitled 15 to supplement the record in some form or 16 fashion with respect to the claims that 17 the Board found, at least in the 18 institution decision, where there had not 19 been a reasonable likelihood of showing 20 unpassability. And that either through

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supplemental information or additional

if necessary, that that should be what

briefing and expert declaration testimony,

happens in these post-stat cases in which

the Board institutes on more claims than

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2.5

# DOCKET

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