UNITED STATES PATENT AND TRADEMARK OFFICE
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BEFORE THE PATENT TRIAL AND APPEAL BOARD
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FEIT ELECTRIC COMPANY, INC.,
Petitioner,

v.

SIGNIFY HOLDING B.V. F/K/A PHILIPS LIGHTING HOLDING B.V.,
Patent Owner.
_____

Case IPR2018-00921
Patent 6,586,890 B2
_____

Record of Oral Hearing
Held: July 24, 2019
_____

Before TREVOR M. JEFFERSON, MIRIAM L. QUINN (via video), and
JASON M. REPKO, *Administrative Patent Judges.*

APPEARANCES:

ON BEHALF OF THE PETITIONER:

    JOSEPH E. MUTSCHELKNAUS, ESQUIRE
    Sterne, Kessler, Goldstein & Fox
    1100 New York Ave, NW
    Washington, DC 20005
    (202) 772-8874

ON BEHALF OF THE PATENT OWNER:

    C. BRANDON RASH, ESQUIRE
    FORREST A. JONES, ESQUIRE.
    Finnegan
    901 New York Ave, NW
    Washington DC 20001
    (202) 408-4000

ALSO PRESENT:

    Steven Cohen, I.P. Counsel
    Signify

    The above-entitled matter came on for hearing on Wednesday, July 24, 2019, commencing at 1:00 p.m., at the U.S. Patent and Trademark Office, Madison Building, 600 Dulany Street, Alexandria, Virginia 22314.

1   P R O C E E D I N G S

2   - - - - -

3   JUDGE REPKO: I'm Judge Repko. I'm joined here by

4   Judge Jefferson and, remotely, we have Judge Quinn.

5   Just a note, that the image projection will not be

6   available to Judge Quinn, so, please specify the slide

7   numbers when referring to demonstratives.

8   Also, please speak directly into the microphone at

9   the podium when you're talking.

10   At this time, we'd like counsel to step to the

11 podium and introduce themselves and anybody with them.

12   Let's begin with Petitioner's counsel.

13   MR. MUTSCHELKNAUS: Joseph Mutschelknaus, lead

14 counsel for Petitioner Feit Electric Company.

15   JUDGE REPKO: Okay. Thank you. And Patent Owner's

16 counsel.

17   MR. RASH: Good afternoon, Your Honor. Brandon

18 Rash from Finnegan on behalf of Patent Owner, Signify. Also,

19 with me are Forrest Jones from Finnegan, as well as Stephen

20 Cohen, IP counsel with Signify.

21   JUDGE REPKO: Thank you.

22   Okay. So each side has 30 minutes to present their

23 arguments. Petitioner's counsel will begin, followed by

24 patent owners.

25   Both parties may reserve some rebuttal time. If

1   you have objections, please raise them during your rebuttal.

2   We received no objections to the demonstrative exhibits, so

3   with that, I'm going to invite Petitioner's counsel to the

4   podium, and I need to know whether you plan to reserve any

5   time for rebuttal.

6   MR. MUTSCHELKNAUS: Yes, Your Honor. I'd like to

7   reserve ten minutes for rebuttal.

8   JUDGE REPKO: Okay. All right. So you may begin.

9   MR. MUTSCHELKNAUS: May it please the Board. I'm

10 here today to explain why the challenged claims of the 890

11 patent are obvious.

12   The `890 patent claims for site controlling a PWM of

13 controlling an LED power supply using pulse with modulation

14 or PWM.

15   This is as a petition establishes and Signify

16 doesn't really dispute. This technique was known throughout

17 the art long before the `890 patent's earliest priority date.

18   This Board has already found much of the features,

19 of the `890 patent, to be unpatentable in an earlier IPR

20 proceeding.

21   In this case, there are three principle issues

22 before the Board.

23   First, is obviousness of claim 1. Claim 1 wasn't

24 challenged the earlier IPR, and uses slightly different

25 language than the claims previously held unpatentable.

26   Second, is obviousness of certainly patent claims

1   related to failure detection. This failure detection feature

2   is found in the very reference called "Biebl" that this Board

3   used to hold many of the base independent claims unpatentable

4   in earlier IPR proceeding.

5   Third, is obviousness of certain entirely

6   conventional power supplies that's required by the Board's

7   construction of means plus function limitations

8   in claim 7.

9   I'm going to go through each of these points in

10 turn.

11   First, starting with claim 1. I have here

12 demonstrative slide 2, which shows claim 1. Patent Owner

13 argues, and let me know the Judges remotely, if they are

14 having a hard time hearing me.

15   Patent Owner argues that the principle reference,

16 Biebl, lacks an oscillator and an oscillating signal, because

17 in Signify's view, an oscillating signal has to be something

18 in the nature of a square wave.

19   Turning to slide 8, this argument deifies both

20 Biebl's express teachings and the plain language of these

21 claim terms. So I have here, slide 8.

22   So reproduced on this slide is a portion of Biebl's

23 figure 7. As can be seen from this portion, Biebl discloses

24 a box that it labels "OSC" and (inaudible) from the box is

25 signal U_D. That signal is a triangle or sawtooth waveform.

26   JUDGE REPKO: Are those two separate

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