

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RIDDELL, INC.,
Petitioner,

v.

KRANOS IP II CORP.,
Patent Owner.

Case IPR2018-01164
Patent 6,434,755 B1

Record of Oral Hearing
Held: September 5, 2019

Before HYUN J. JUNG, JAMES A. TARTAL, and
SCOTT C. MOORE, *Administrative Patent Judges*.

Case IPR2018-01164
Patent 6,434,755 B1

APPEARANCES:

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The above-entitled matter came on for hearing on Thursday, September 5, 2019, commencing at 10:00 a.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

10:00 a.m.

JUDGE TARTAL: Good morning. Please be seated.

We are here for a final hearing in an inter partes review case captioned Riddell Incorporated, Petitioner v. Kranos IP II Corp, Patent Owner, Case IPR 2018-01164 concerning U.S. Patent No. 6,434,755 B1.

First, let me begin by introducing the Panel. I'm joined by Judge Jung and remotely by Judge Moore, and I am Judge Tartal.

May we please have the parties' appearances. Who do we have appearing today on behalf of Petitioner?

MR. DUFRESNE: Your Honor, I'm Andrew Dufresne from Perkins Coie, -- Petitioner, Riddell.

JUDGE TARTAL: Good morning and welcome. And for Patent Owner, who do we have appearing today?

MR. GILFORD: Your Honors, Ben Gilford on behalf Patent Owner, Kranos IP II Corp.

JUDGE TARTAL: Okay. Thank you and welcome to you as well.

We set forth the procedures for today's hearing in our trial order. And as a reminder, each party will have 45 minutes of total time to present arguments in the case.

Petitioner has the burden of proof and will go first. Patent Owner will then present opposition arguments for the case.

1 Then to the extent Petitioner has reserved time, Petitioner will
2 present arguments in reply. And if Patent Owner has reserved time, we
3 permit Patent Owner to also present rebuttal arguments.

4 Are there any questions in that regard, Counsel?

5 MR. DUFRESNE: No, Your Honor.

6 JUDGE TARTAL: For clarity of the transcript and for the
7 particular benefit of Judge Moore, please when you refer to an exhibit on the
8 screen, state for the record the exhibit and page number. Or for
9 demonstratives, the slide number to which you are referring.

10 I'll remind each party that under no circumstances are they to
11 interrupt the other party during a presentation of its arguments and
12 demonstratives.

13 Any additional questions on behalf of Patent Owner at this time?

14 MR. GILFORD: No, Your Honor.

15 JUDGE TARTAL: And any questions from Petitioner at this time?

16 MR. DUFRESNE: No, Your Honor.

17 JUDGE TARTAL: Petitioner, would you like to reserve a certain
18 amount of the 45 minutes for your --

19 MR. DUFRESNE: Yes, I'd like to reserve 10 minutes if I may.

20 JUDGE TARTAL: Okay. We have a clock that will show you
21 the time available. So I'll set it at 35 minutes and that will give you an
22 indication as to when you are through with that. And you'll still have the
23 remaining 10 minutes.

1 MR. DUFRESNE: Thank you.

2 JUDGE TARTAL: You may proceed when you're ready.

3 MR. DUFRESNE: I have brought paper copies of my
4 demonstratives --

5 (Simultaneous speaking.)

6 JUDGE TARTAL: That'll be fine if you want to pass those up.

7 MR. DUFRESNE: Okay.

8 JUDGE TARTAL: Thank you. Counsel, can I ask you to begin
9 with just a brief explanation of the status of proceedings in the District Court
10 and any appeals that are pending?

11 MR. DUFRESNE: Absolutely. So as you reference this, this is
12 part of a broader matter that's been in District Court litigation between these
13 two parties on a number of patents, including this one.

14 Currently, all of the District Court proceedings are resolved in the
15 District Court. There is an appeal pending.

16 Right now, a briefing has not -- or the first brief has not been filed
17 yet. But it's due, I believe, sometime in --

18 MR. GILFORD: October.

19 MR. DUFRESNE: -- late October is when the first brief will be
20 due in that case.

21 And that includes the district or the summary judgment decision
22 invalidating Claim 11 of the '755 Patent as part of that appeal.

23 JUDGE TARTAL: Okay. Thank you.

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