

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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NUNA BABY ESSENTIALS, INC. and  
NUNA INTERNATIONAL B.V.,  
Nuna Baby,  
Petitioner,  
v.

BRITAX CHILD SAFETY, INC.,  
Britax.  
Patent Owner.

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IPR2019-00663  
Patent 9,187,016 B2

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Record of Oral Hearing  
Held: June 2, 2020

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Before LINDA E. HORNER, SCOTT A. DANIELS, and  
BRENT M. DOUGAL, *Administrative Patent Judges*.

IPR2019-00663  
Patent 9,187,016 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

TRENTON WARD, ESQUIRE  
Finnegan, Henderson, Farabow,  
Garrett & Dunner, L.L.P.  
271 17th street NW  
Suite 1400  
Atlanta GA 30363-6209  
(404) 653-6441

ON BEHALF OF THE PATENT OWNER:

CHAD L. THORSON , ESQUIRE  
Burr Forman McNair  
101 South Tryon Street  
Suite 2610  
Charlotte, NC 28280  
(704) 347-6477  
cthorsen@burr.com

N. DEAN POWELL, JR., ESQUIRE  
Kilpatrick Townsend & Stockton, L.L.P.  
101 West Fourth Street  
Winston-Salem NC 27101  
(336) 607-7300

The above-entitled matter came on for hearing on Tuesday, June 2,  
2020, commencing at 1:00 p.m EDT, by video/by telephone.

1 PROCEEDINGS

2 JUDGE DANIELS: Great. Mr. Mahoney are you all set and  
3 ready to go on the record?

4 MR. MAHONEY: Yes, Your Honor, I am. Thank you.

5 JUDGE DANIELS: All right, great, let's get started. Good  
6 afternoon everyone. This is our final hearing in IPR2019-00663. The  
7 patented issue is number 9,187,016. We generally refer to it as the 016  
8 patent. The case is between petitioner is Nuna Baby Essentials, Inc. and  
9 patent owner is Britax Child Safety, Inc. Let me -- actually let's get the  
10 parties appearances first. Who do we have and start off with whoever is  
11 presenting from Nuna Baby please.

12 MR. WARD: Yes, Your Honors, may it please the Board, my  
13 name is Trenton Ward, appearing on behalf of petitioner, Nuna Baby  
14 Essentials and Nuna International B.V. Let me ask, is my audio okay, I  
15 think I was having a little packet loss earlier, but how's my audio sound?

16 JUDGE DANIELS: It sounds just fine, Mr. Ward. And who  
17 do we have -- are you the only presenter today?

18 MR. WARD: The only presenter for petitioner, yes, thank you,  
19 Your Honor.

20 JUDGE DANIELS: And from Britax?

21 MR. POWELL: Yes, thank you, Your Honor. This is Dean  
22 Powell, I'm here on behalf of Patent Owner, Britax Child Safety. I will be  
23 the only presenter for Britax. Well, I'll ask the same question, audio, is that  
24 okay on my end?

25 JUDGE DANIELS: Both of your audios and both of your  
26 audio and video looks great. We can see and hear you just fine. Let me --

1 our experience with these are the past few weeks has been that it takes a  
2 little more time; it's a little bit slower than when we're live so, if you have  
3 any issues or you need to take a break, let's make sure we get everything in  
4 and give you all the time that you need just because it's a little bit slower and  
5 harder to do this, I think, then when we're live. And, it also is helpful if  
6 everyone, if you're not speaking please, please stay muted then we can, then  
7 we won't get any background noise.

8 A few other administrative matters before we begin. So, I am  
9 Judge Daniels, and also with me is Judge Horner, and from the West Coast  
10 is Judge Dougal today. I will be keeping the time and I'm sort of doing it the  
11 old fashioned way with my phone and stopwatch here on my desk, rather  
12 than, we don't have just the hearing room, so, I know you can't see it. Judge  
13 Dougal's going to back me up on the hearing time so that we make sure that  
14 we tell you all when you're nearing the end of your time. Let's see, well, just  
15 to check my checklist here. We have -- we set forth most of the procedure  
16 for today's hearing in the trial order. Both sides have an hour of presentation  
17 time. You may divide that up however you like. If you have -- as you go  
18 through your demonstratives today, please just make sure you're clear on  
19 which one you're referring to. We'll ask as well, if we get confused or if we  
20 lose track, so, just bear in mind it's helpful for us. We have them in front;  
21 each Judge has them in front of us so we can see them along with the  
22 working file. So, petitioner has the burden and will go first.

23 So, Mr. Ward, you will go first. You can reserve when we start  
24 anytime for rebuttal that you want. Mr. Powell, you'll go second and you  
25 can present your response. Petitioner will be allowed some time to rebut and  
26 also, Mr. Powell, you can present a brief sur-rebuttal, if you like, per the

1 updated trial practice guides. So, we'll give you some warning when you're  
2 reaching the end of your argument time, I will remind both counsel that  
3 there's no interruption of either party for objections. If there is some  
4 objection, when it's your turn, you can cover that ground and put that on the  
5 record. So, with that we're ready to begin and so, Mr. Ward

6 MR. WARD: Judge Daniels, I have just one quick question. I  
7 apologize, I just wanted to ask a logistical question before we got started. I  
8 got the benefit of your very clear video of you, but I don't see on my screen  
9 Judge Horner or Judge Dougal. Will there video be provided as well or --?

10 JUDGE DANIELS: Alex, any thoughts, I see them?

11 MR. TSEHAY: You probably need to change your layout on  
12 the top right corner. When you hover over it there should be some options.

13 MR. WARD: Yeah, I tried the various options and so far I'm  
14 only seeing Judge Daniels, but perhaps that's because he's been the only  
15 active speaker thus far.

16 MR. TSEHAY: Let's see here, give me just a moment. Mr.  
17 Powell, are you able to see the videos of the other judges as well?

18 MR. POWELL: I am not in my grid view actually, I do not see  
19 Judge Daniels; I can only see Judge Daniels when I do the speaker view.

20 MR. TSEHAY: Yeah, same for me.

21 JUDGE DANIELS: So, our -- my experience has been  
22 sometimes we can't see the other participants depending on what you have  
23 up on your screen unless they speak. We can do a little test here. Judge  
24 Dougal, could you just introduce yourself and see if you come up on their  
25 screen?

26 JUDGE DOUGAL: Sure. This is Judge Dougal. Are you guys

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