

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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FORD MOTOR CO.,  
Petitioner

v.

MASSACHUSETTS INSTITUTE OF TECHNOLOGY,  
Patent Owner.

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IPR2019-01399 (Patent 9,810,166 B2)  
IPR2019-01401 (Patent 9,255,519 B2)  
IPR2019-01402 (Patent 10,138,826 B2)

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Record of Oral Hearing  
Held: November 19, 2020

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Before KEN B. BARRETT, LYNNE H. BROWNE, and  
JAMES J. MAYBERRY, *Administrative Patent Judges*.

IPR2019-01399 (Patent 9,810,166 B2)  
IPR2019-01401 (Patent 9,255,519 B2)  
IPR2019-01402 (Patent 10,138,826 B2)

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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Also Present:  
Lauren E. Burrow  
Andy Lugoti  
Geoff Brumbaugh

The above-entitled matter came on for hearing on Thursday,  
November 19, 2020, commencing at 9:01 a.m. EST, via Video  
Teleconference.

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

2 9:01 a.m.

3 JUDGE MAYBERRY: Good morning. I am Judge Mayberry.

4 And with me on your screens should be Judges Barrett and Brown.

5 We are here for a consolidated trial hearing covering three inter  
6 partes review proceedings.

7 The first proceeding is IPR 2019-01399 concerning U.S. Patent  
8 9810166, the '166 patent.

9 The other two proceedings are IPR 2019-01401 and IPR 2019-01402  
10 concerning U.S. Patent Number 9255519, the '519 patent and U.S. Patent  
11 Number 10138826, the '826 patent, respectively.

12 All three cases are styled Ford Motor Company versus the  
13 Massachusetts Institute of Technology.

14 Welcome. Before we go over some ground rules, I'd like to start  
15 with appearances by the parties, including any parties that might be joining  
16 us remotely just by audio or also by video, that way we can make sure that  
17 everyone can hear everyone else. We will start with Petitioner's counsel.

18 MR. DOUGLAS: Good morning, Your Honors. My name is  
19 Christopher Douglas, and I am lead counsel for Ford Motor Company.  
20 With me today are co-counsel Mike Connor, Lauren Burrow, and Andy  
21 Lugoti who's appearing via phone. And with us is also Geoff Brumbaugh, a  
22 corporate representative from Ford Motor Company.

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1 JUDGE MAYBERRY: All right, thank you very much.

2 And for Patent Owner?

3 MR. COGSWELL: Good morning, Your Honors. This is  
4 Lawrence Cogswell from Hamilton, Brook, Smith, Reynolds, appearing  
5 today on behalf of Patent Owner, Massachusetts Institute of Technology,  
6 and the exclusive licensee in the case, Ethanol Boosting Systems. I'm lead  
7 counsel.

8 Appearing by video today with me is Keith Brook, also of our firm  
9 representing the same parties.

10 On the line today by audio only I believe we have with us the  
11 inventors in the case as well as representatives from litigation counsel. But  
12 I can let them introduce themselves if you wish. I cannot see exactly who's  
13 on with us by audio.

14 JUDGE MAYBERRY: Thank you. I don't think that is necessary.

15 MR. COGSWELL: Thank you.

16 JUDGE MAYBERRY: Before we start, this is Judge Mayberry. I  
17 make a point to that because I'll mention that a few times. So, before we  
18 start, I'd like to go over some mechanics for the hearing.

19 First of all, thank you all for your flexibility in accommodating this  
20 hearing by video today. Our primary concern is your right to be heard and  
21 to present your case on the record as you see fit.

22 If at any time during the hearing you encounter technical difficulties  
23 that you feel undermine your ability to adequately represent your client,

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1 please let us know immediately. You should have been given contact  
2 information from team members with your connection information. And if  
3 you lose connection or encounter some other problem, you should contact  
4 them using that information.

5 Now, our Hearing Order included some information on the conduct  
6 of video hearings. I want to re-emphasize, when you're not speaking, please  
7 mute your connection. And when you do speak, please identify yourself. I  
8 say this as much for the Judges as for counsel. This is will help our court  
9 reporter prepare an accurate transcript of the hearing.

10 The Judges have access to a complete trial record for all three  
11 proceedings and the parties' demonstratives. We ask, when you refer to a  
12 slide, please refer to the slide number you are discussing so that we can  
13 follow along and that the transcript is clear.

14 Also, if you refer to an exhibit or a paper from one of the  
15 proceedings, please identify the exhibit or paper number and page you are  
16 referencing and the specific proceeding for which that paper or exhibit  
17 pertains.

18 Also, we have noticed in conducting these hearings that there might  
19 be a slight lag between when someone starts to talk and when the other  
20 participants hear that person. So, before you dive right into what you want  
21 to say, you should pause for a couple of seconds.

22 And this tip goes out to both Judges when asking questions and  
23 counsel when answering those questions. Again, this helps the court

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