

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RIMFROST AS,
Petitioner,

v.

AKER BIOMARINE ANTARCTIC AS,
Patent Owner.

IPR2020-01534
Patent 10,010,567 B2

Record of Oral Hearing
Oral Hearing Held: February 17, 2022

Before ERICA A. FRANKLIN, SUSAN L. C. MITCHELL, and
JON B. TORNQUIST, *Administrative Patent Judges*.

IPR2020-01534
Patent 10,010,567 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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The above-entitled matter came on for hearing on Thursday, February 17, 2022, commencing at 1:00 p.m. EST, by video/by telephone.

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

12:58 p.m.

JUDGE MITCHELL: Good afternoon, Counsel. I am Judge Mitchell. With me in this hearing are Judges Franklin and Tornquist. We are now on the record.

This is a final oral hearing and inter partes review proceeding, IPR2020-01154.

The Petitioner is Rimfrost AS. And the Patent Owner, and I'm probably not going to pronounce this right, Aker Biomarine Antarctic AS.

We do have a court reporter present. The Board will issue a transcript for this case, which will be made a part of the record.

We also wanted to let you know that there is a public line for this hearing where the public can call in and listen to the hearing. Certainly though, the line is muted.

Counsel for Petitioner, would you please identify who is present for Petitioner and who will be speaking on behalf of Petitioner?

MR. HARRINGTON: Yes. James Harrington, Lead Counsel for Rimfrost. With me is Michael Chakansky, First Backup Counsel.

JUDGE MITCHELL: Great. Let's pause one minute. I think one of the judges does not have audio. I think Judge Tornquist does not have audio.

(Pause.)

JUDGE TORNQUIST: My audio is back on.

JUDGE MITCHELL: Great. I'm glad that happened in the beginning.

1 So Mr. Harrington, you'll be presenting the entire argument for
2 Petitioner?

3 MR. HARRINGTON: Yes, for the most part. Mr. Chakansky
4 may chime in.

5 JUDGE MITCHELL: Okay. Great. Thank you.

6 And Counsel for Patent Owner, would you please identify who is
7 present for Patent Owner and who will be speaking on behalf of Patent
8 Owner?

9 MR. JONES: John Mitchell Jones is present. That's myself. I'll
10 be speaking on behalf of Patent Owner.

11 JUDGE MITCHELL: Great. Thank you and welcome.

12 We do want to thank you for your flexibility in participating in this
13 hearing remotely. And we do want to emphasize that our primary concern
14 is your right to be heard.

15 So if at any time during this hearing we encounter any more
16 technical difficulties, or that you feel that your presentation here is
17 undermining your ability to adequately represent your client, please let us
18 know immediately, either by speaking up during the hearing or contacting
19 the team members who provided you with connection information, so that
20 we can make sure that everybody has an opportunity to be adequately heard
21 here today.

22 Additionally, if you come to a good faith belief that the pace of this
23 proceeding prevents you from adequately explaining your positions, please
24 also speak up and we will consider some expansion of the allotted time.

1 As set forth in our hearing order, each side has 60 minutes to present
2 its case. My colleagues and I will do our best to keep track of time, but we
3 also suggest that the parties also do the same.

4 Petitioner will present its arguments first as it bears the burden of
5 showing unpatentability of the challenged claim.

6 Petitioner, would you like to reserve any time for rebuttal?

7 MR. HARRINGTON: Yes, please. Twenty minutes.

8 JUDGE MITCHELL: Twenty minutes.

9 And Patent Owner, you will have the last word. So Mr. Jones,
10 would you like to reserve any of your time?

11 MR. JONES: Yes, 20 minutes.

12 JUDGE MITCHELL: So just a few final instructions. Please
13 identify yourself each time you are speaking, and please mute your
14 microphones when you are not speaking. Please be mindful that there can
15 be a lag in audio and video, so please pause before speaking to avoid
16 speaking over one another.

17 Also, we do have access to the entire record including your
18 demonstratives. So when you are referring to a demonstrative, a paper, or
19 an exhibit, please point out the paper number or the page number and
20 identify it in some way, and identify it by slide number or whatever you
21 have.

22 Then pause a couple of seconds just to let us pull it up to make sure
23 we're on the same page. This would also make it clearer for the record.
24 When we go back later, we'll know what we were discussing.

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