

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TELEBRANDS CORP.,
Petitioner,

v.

TINNUS ENTERPRISES, LLC,
Patent Owner.

Case PGR2017-00015
Patent 9,527,612 B2

Record of Oral Hearing
Held: August 31, 2018

Before MICHAEL W. KIM, FRANCES L. IPPOLITO and
KEVIN W. CHERRY, *Administrative Patent Judges*.

Case PGR2017-00015
Patent 9,527,612 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER: (via telephone)

TONIA SAYOUR, ESQUIRE
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The above-entitled matter came on for hearing on Friday, August 31, 2018, commencing at 1:00 p.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

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2 JUDGE CHERRY: Good afternoon. This is Judge Cherry, and
3 with me in the room here in Alexandria is Judge Kim. There are no
4 attendees from the public.

5 MS. SAYOUR: Okay. Good afternoon.

6 JUDGE CHERRY: Will the parties please make their
7 appearances. And Judge Ippolito is here as well. She's on the phone.

8 MS. SAYOUR: On the phone, right, okay.
9 Judge Ippolito, can you hear me?

10 JUDGE IPPOLITO: I can.

11 MS. SAYOUR: Okay, good. I just wanted to make sure I
12 could hear you as well.

13 Appearances, this is Tonia Sayour. I'm with Cooper &
14 Dunham. I'm here for the Petitioner, Telebrands Corp.

15 JUDGE CHERRY: Good afternoon, Ms. Sayour.
16 Do you know if anyone -- is anyone from the Patent Owner
17 here?

18 **(No response.)**

19 JUDGE CHERRY: Did you -- Ms. Sayour, did you hear
20 anything from them?

21 MS. SAYOUR: No, I have not heard from them. I'm
22 presuming that in line with what they previously stated, they are not going to
23 be joining. So -- but I have not heard from them, and I didn't know by the
24 silence whether they were on the line, but I don't -- I don't think they are.

25 JUDGE CHERRY: All right. I just wanted to confirm.

1 All right, this is the hearing in Telebrands Corporation versus
2 Tinnus, PGR2017-00015. Counsel for Petitioner, if you want to begin.

3 MS. SAYOUR: Thank you, Your Honor. I just wanted to start
4 off by thanking the Board for accommodating us after our delayed arrival a
5 couple of weeks ago and apologize for any confusion. I, for one, sincerely
6 appreciate not having to travel today, as it is a day before a holiday
7 weekend. So I just wanted to thank you for that.

8 JUDGE CHERRY: Oh, you're welcome, and we wanted to
9 apologize for the -- we had gotten a miscommunication, and we would have
10 waited had we known if you were coming, but I'm glad you could make it
11 today, and please go ahead.

12 MS. SAYOUR: Thank you. We're here today to speak about
13 the '612 patent. It's a patent that relates to a device for filling multiple self-
14 sealing balloons with water. It's a device that's no stranger to the Board as
15 there have been other proceedings relating to other patents in the same
16 family. But as we'll get to, this is a different patent. It has different claim
17 limitations, and there certainly is a different record here.

18 Noticeably absent today is counsel for Patent Owner, who,
19 quite frankly, has a client that seems to have given up on these proceedings.
20 The Patent Owner was free to make its case, so to rely on its preliminary
21 patent owner response, and it's my hope that once we spend some time
22 going over the evidence that's of record in this proceeding and the claims
23 that are at issue in this proceeding that you will find that this patent is more
24 likely than not invalid.

25 So I know I'm not there, and I guess you have all the slides in
26 front of you.

1 JUDGE CHERRY: Yes.

2 MS. SAYOUR: Okay. That's easy to assume. I'd ask that we
3 turn to Slide 4, if that's okay.

4 JUDGE KIM: And, Counsel, this is Judge Kim. Yes, I was
5 hoping you could -- you sort of alluded to it, but, yes, if you could please
6 emphasize any differences in the language between this case and the other
7 cases, I think that would be helpful for us.

8 MS. SAYOUR: Sure. In terms of the claim language, you
9 mean?

10 JUDGE KIM: That is correct. And evidence, too, but I think
11 primarily claim language.

12 MS. SAYOUR: Do you want me to do that now, or do you
13 want me to do that as I go through?

14 JUDGE KIM: No, no. You can feel free to do it as you're
15 going along.

16 MS. SAYOUR: Sure, sure.

17 JUDGE KIM: I just wanted to make --

18 MS. SAYOUR: Okay, of course. Thank you.

19 So if we look at Slide 4, the alleged invention here is simple
20 and basic. It's not particularly complex, as this Board has pointed out in its
21 institution decision, and it relates to a system and method for filling
22 containers with fluid, it's worth mentioning that the patent contemplates not
23 only toys, shown in the figure, but also medical applications. Figure 5 is on
24 the screen, and it has an embodiment where someone is using the device to
25 collect blood.

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