

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

L'OREAL USA, LLC,
Petitioner,

v.

LIQWD, INC.,
Patent Owner.

Case PGR2018-00025
Patent 9,668,954 B2

Record of Oral Hearing
Held: May 20, 2019

Before TONI R. SCHEINER, CHRISTOPHER M. KAISER, and
TIMOTHY G. MAJORS, *Administrative Patent Judges*.

Case PGR2018-00025
Patent 9,668,954 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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The above-entitled matter came on for hearing on Monday, May 20, 2019, commencing at 12:58 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

PROCEEDINGS

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MR. DILL: All rise.

JUDGE SCHEINER: Please be seated. Well, good afternoon, everyone. This is a little different. We have -- I'm the only one here today. Judges Majors and Kaiser are in Denver.

So let's see. Before we get started, well, first we are going to have a role call and then I have a few things to say out confidential information that may or may not be disclosed. So and if -- I'll give you some specific instructions about that in a second.

So why don't we take care of introductions first. And then I'll, we are going to go over a few ground rules so that nothing is inadvertently disclosed that shouldn't be. And -- okay. So I'd ask petitioner to please introduce yourselves and thank you.

MS. O'BRIEN: Michelle O'Brien on behalf of petitioner, L'Oreal USC -- USA and with me is Timothy Murphy, also for L'Oreal USA.

JUDGE SCHEINER: Welcome. And are any of the observers here with you?

MS. O'BRIEN: Yes.

JUDGE SCHEINER: Okay.

MS. O'BRIEN: So we have Dr. Bautista from L'Oreal USA.

JUDGE SCHEINER: Welcome.

MS. O'BRIEN: And Joe Palys as well.

JUDGE SCHEINER: Okay.

MS. O'BRIEN: And our IT help.

JUDGE SCHEINER: Thank you. And for patent owner please?

1 MR. BLACKBURN: I'm Matthew Blackburn with Diamond
2 McCarthy on behalf of patent owner. With me is Rivka Monheit.

3 JUDGE SCHEINER: Welcome.

4 MR. BLACKBURN: From Pabst Patent group and sitting to her left
5 is Carlos Zuniga who is an advisor with the same firm and then we also have
6 Tiffany Walden who is the general counsel of patent owner. And then way
7 in the back is my daughter Maura --

8 JUDGE SCHEINER: Okay.

9 MR. BLACKBURN: -- who is helping me today.

10 JUDGE SCHEINER: Your helper. All right. So may I ask the
11 gentleman in the back, are you here as a member of the public?

12 SPEAKER: Yes, I am.

13 JUDGE SCHEINER: Okay. So the reason I am asking you is
14 because there is a protective order in place in this case and if we approach
15 confidential information we, I'm afraid we will have to ask you so step out
16 please. Yes, sir.

17 MR. PALYS: Hi, Your Honor, I'm Joseph Palys, I'm counsel for
18 L'Oreal USA in the district court litigation.

19 JUDGE SCHEINER: Okay.

20 MR. PALYS: I am not signed on to the protective order that's in this
21 proceeding.

22 JUDGE SCHEINER: Okay. So you also --

23 MR. PALYS: So if --

24 JUDGE SCHEINER: -- will have --

25 MR. PALYS: Is that's --

26 JUDGE SCHEINER: -- if we approach --

1 MR. PALYS: Exactly, Your Honor.

2 JUDGE SCHEINER: Okay.

3 MR. PALYS: I'm not sure if I might just sign on as we sit here today
4 but we will cross that bridge.

5 JUDGE SCHEINER: I believe that is not up to me.

6 MR. PALYS: Okay.

7 JUDGE SCHEINER: So I may ask you to leave --

8 MR. PALYS: Just let me know.

9 JUDGE SCHEINER: -- if -- to step out. Not to leave, but to step
10 outside if we approach confidential information.

11 MR. PALYS: Will do, Your Honor. Thank you.

12 JUDGE SCHEINER: Okay, thank you. Thank you for letting me
13 know

14 SPEAKER: Yes.

15 JUDGE SCHEINER: Okay. So once we get started, you each will
16 have a total, each side will have a total of 60 minutes and I will ask you now
17 if you would like to reserve any of that time? You may reach reserve up to
18 15 minutes.

19 MS. O'BRIEN: Yes, Your Honor, I would like to reserve 15 minutes.

20 JUDGE SCHEINER: Okay.

21 MS. O'BRIEN: For petitioner.

22 JUDGE SCHEINER: Okay.

23 MR. BLACKBURN: And I would also like to serve 15 minutes --

24 JUDGE SCHEINER: 15 minutes.

25 MR. BLACKBURN: -- for patent owner.

26 JUDGE SCHEINER: Okay.

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