

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SHURE INCORPORATED,
Petitioner,

v.

CLEARONE, INC.,
Patent Owner.

PGR2020-00079
Patent 10,728,653 B2

Record of Oral Hearing
Held Virtually: Tuesday, December 14, 2021

Before KALYAN K. DESHPANDE, JONI Y. CHANG, and
DAVID C. MCKONE, *Administrative Patent Judges*.

PGR2020-00079
Patent 10,728,653 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

Elliot Cook
Robert High
Daniel Klodowski
FINNEGAN, HENDERSON, FARABOW, GARRETT AND DUNNER,
LLP
elliott.cook@finnegan.com
robert.high@finnegan.com
daniel.klodowski@finnegan.com

ON BEHALF OF THE PATENT OWNER:

Matthew Phillips
Derek Meeker
Kevin Laurence
LAURENCE & PHILLIPS IP LAW
mphillips@lpiplaw.com
dmeeker@lpiplaw.com
klaurence@lpiplaw.com

The above-entitled matter came on for hearing on Thursday, December 14, 2021, commencing at 1:00 p.m. EST, by video/by telephone.

1 PROCEEDINGS

2 JUDGE MCKONE: -- So

3 we'll now go on the record. Good afternoon and welcome. We
4 are here for a final hearing and post-grant review, PGR2020-
5 00079, caption *Shure Inc v. ClearOne, Inc.* I'll introduce the
6 panel. I am Judge McKone. With me are Judges Des- --
7 Deshpande and Chang.

8 Now we can get the -- the parties' appearances. Who
9 do we have appearing on behalf of Petitioner?

10 MR. COOK: Hi. Good afternoon. This is Elliott Cook
11 on behalf of Petitioner and with me, Judge McKone, we have
12 Robert High, also from Finnegan, my co-counsel on the case,
13 and Daniel Klodowski also from Finnegan on behalf of the
14 Petitioner and also on the line with us Vladimir Arezina,
15 counsel but not in this case, but counsel for Shure.

16 JUDGE MCKONE: Okay. And the first three people you
17 mentioned, yourself, Mr. High and Klodowski, you'll be
18 speaking today at some point?

19 MR. COOK: Yes, Your Honor.

20 JUDGE MCKONE: Okay. Who do we have here on behalf
21 of Patent Owner?

22 MR. PHILLIPS: You have Matthew Phillips, that's me,
23 Your Honor, and Derek Meeker, we're from the law firm
24 Laurence & Phillips IP Law.

25 JUDGE MCKONE: And who will be doing the speaking
26 today for -- for Patent Owner?

1 MR. PHILLIPS: Both myself and Mr. Meeker will.

2 JUDGE MCKONE: Okay. All right. We set forth a
3 procedure for today's hearing in our oral argument order. As
4 a reminder, Patent Owner will have 60 minutes of total
5 argument time to present its argument. Petitioner has been
6 granted an extra 15 minutes as part of our legal experience
7 and advancement program.

8 So Petitioner will have a total of 75 minutes to
9 present its argument. We re- -- remind Petitioner that it
10 must give each of the approved le- -- LEAP practitioners, Mr.
11 Klodowski and Mr. High, a meaningful and substantive
12 opportunity to argue. Petitioner has the burden of proof and
13 will go first. Patent Owner will then present opposition
14 argument, also Motion to Amend and its Motion to Exclude.

15 Then to the extent that Petitioner has reserved --
16 re- -- reserved rebuttal time, Petitioner will present
17 arguments in rebuttal. Thereafter, to the extent Patent Owner
18 has reserved through rebuttal time, Patent Owner may present
19 its surrebuttal.

20 Now, for clarity in the transcript and since all of
21 the judges and counsel are appearing remotely, when you refer
22 to an exhibit on the screen, please identify the exhibit
23 number and page number and when you refer to one of your de-
24 -- demonstrative slides, please provide the slide number.

25 Please don't assume that we can see what you're
26 presenting on the screen, but we are able to follow along in
27 the documents that -- that you have filed. Counsel should

1 unmute only when speaking, I know that's -- that's difficult
2 to do even on the judge side. The remote nature of the
3 hearing may also result in -- in audio lag and thus, the
4 parties are advised to observe a -- a pause prior to speaking
5 to -- to avoid speaking over each other.

6 If, at anytime during the hearing, you encounter
7 technical or other difficulties, please let the panel know
8 immediately so that we can make adjustments. There is techni-
9 -- technical support listening in and they've probably given
10 you some instructions as to what to do if you have technical
11 issues and we will try to keep our eyes open for technical
12 problems as well.

13 As we noted in the hearing order, although we are
14 all appearing remotely and there is no physical courtroom,
15 members of the public do have the option to attend remotely.
16 In the oral hearing order, we requested that if there were
17 any concerns about the disclosure of confidential information
18 at this hearing, you are to contact the Board.

19 I don't believe we received any notice of any
20 issues. Petitioner, could you confirm that you do not intend
21 to discuss any confidential information today?

22 MR. COOK: That is correct, Your Honor. Thank you.

23 JUDGE MCKONE: And Patent Owner, could you also
24 please confirm?

25 MR. PHILLIPS: Confirmed.

26 JUDGE MCKONE: Okay. Are there any questions on
27 behalf of Patent Owner at this time?

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