

1 UNITED STATES PATENT AND TRADEMARK OFFICE
2 BEFORE THE PATENT TRIAL AND APPEALS BOARD

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5 LIBERTY MUTUAL INSURANCE CO.,

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7 Petitioner,

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9 vs.

Cases: CBM2013-00009
CBM2012-00003
Patent 8,140,358

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12 PROGRESSIVE CASUALTY INSURANCE CO.,

13 Patent Owner.

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15 Telephonic Hearing

16
17 MARCH 25, 2014

4:30 p.m.

18 Taken at:

Jones Day

19 901 Lakeside Avenue

Cleveland, Ohio

20
21 Todd L. Persson, Notary Public
22
23
24
25

1 APPEARANCES:

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4 teleconference):

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3 ADMINISTRATIVE PATENT TRIAL AND APPEALS BOARD

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7 Michael R. Zecher

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1 JUDGE LEE: Okay. Is the Patent
2 Owner on the line?

3 MR. WAMSLEY: Yes, Your Honor. For
4 Patent Owner, James Wamsley and Calvin
5 Griffith.

6 JUDGE LEE: Thank you. And is the
7 Petitioner on the line?

8 MR. BAUGHMAN: Yes, Your Honor.
9 For Petitioner, Steve Baughman and Jim Myers.

10 JUDGE LEE: Thank you. Do we have
11 the court reporter on the line as well?

12 MR. WAMSLEY: Yes, Your Honor. The
13 court reporter is here in the conference room
14 with Mr. Griffith and me.

15 JUDGE LEE: Thank you. Will you be
16 able to submit a copy?

17 MR. WAMSLEY: Absolutely, yes.

18 JUDGE LEE: Thank you. So the
19 Patent Owner asked for the call. We'll let Mr.
20 Wamsley or Mr. Griffith start.

21 MR. WAMSLEY: Very well. Thank you
22 very much, Your Honor, for taking the call
23 today, time out of your busy schedule.

24 The reason for our request for the
25 call is we would like to request the Board's

1 permission to file a motion to strike directed
2 at the papers that Liberty Mutual filed in Case
3 CBM2012-00003 and CBM2013-00009 on March 13,
4 2014. The reason for this is because we
5 believe that Liberty has abused the Board's
6 rehearing request procedures. They have titled
7 their papers "requests for rehearing," but in
8 reality they do not ask or request that any
9 decision of the Board be reheard at all. They
10 do not seek reconsideration of any decision of
11 the Board. In fact, they state at page 4 of
12 their papers that they make the requests solely
13 to preserve the status quo.

14 This Board's rule, Section 42.71,
15 relating to rehearing requests, specifies that
16 those requests may be filed in those instances
17 where a party is dissatisfied with the decision
18 of the Board, and that the request must
19 specifically identify the matters that the
20 party believes that the Board misapprehended or
21 overlooked in issuing a decision. We feel that
22 neither of these things were done by Liberty.
23 They do not indicate they're dissatisfied with
24 any decision of the Board. Indeed, they ask at
25 page 2 of their papers that their own request

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