

RECORD OF ORAL HEARING
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CRS ADVANCED TECHNOLOGIES, INC.
Petitioner

v.

FRONTLINE TECHNOLOGIES, INC.
Patent Owner

Case CMB2012-00005
Patent 6,675,151C1

Oral Hearing Held: August 13, 2013

Before SALLY C. MEDLEY, THOMAS L. GIANNETTI, and
JENNIFER S. BISK, *Administrative Patent Judges*.

APPEARANCES:

ON BEHALF OF THE PATENT OWNER:

JOHN P. DONOHUE, JR., ESQUIRE
Woodcock Washburn, L.L.P.
Cira Centre, 12th Floor
2929 Arch Street
Philadelphia, Pennsylvania 19104-2891

ON BEHALF OF THE PETITIONER:

E. ROBERT YOCHES, ESQUIRE
Finnegan, Henderson, Farabow,
Garrett & Dunner, L.L.P.
901 New York Avenue, N.W.
Washington, D.C. 20001-4413

The above-entitled matter came on for hearing on Tuesday,
August 13, 2013, at 10:00 a.m., at the United States Patent and Trademark
Office, 600 Dulany Street, Alexandria, Virginia.

PROCEEDINGS

- - - - -

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

JUDGE MEDLEY: Please be seated. Good morning.
Are we on the record?

COURT REPORTER: Yes, ma'am.

JUDGE MEDLEY: Okay, thank you.

This is the trial hearing for CBM2012-00005 between Petitioner CRS Advanced Technologies, Incorporated, and the Owner of U.S. Patent 6,675,151, Frontline Placement Technologies. As you know per our order, each party has one hour to present their argument. Petitioner will proceed first, followed by Patent Owner, and each party may reserve rebuttal time, and just let us know if you'd like to do that before we begin.

At this time, we'd like counsel to introduce yourselves and who you have with you, beginning with Petitioner, please.

MR. KARL: Yes, Darrel Karl for Petitioner, CRS, and I have with me my legal assistant, Jacob Mersing.

JUDGE MEDLEY: Okay, so do you have with you Mr. Yoches or Mr. Capron?

MR. KARL: No, I don't. Mr. Yoches is at trial and Mr. Capron is in California.

JUDGE MEDLEY: Okay. And is your legal assistant a registered practitioner?

MR. KARL: No.

JUDGE MEDLEY: So you're admitted *pro hoc*?

MR. KARL: *Vice*, yes.

1 JUDGE MEDLEY: Yes. We told you that if you were ever going to
2 present or be in front of us you need to have a registered practitioner with
3 you at all times. That was made per order.

4 MR. KARL: Well, there's no one currently here. I could arrange to
5 have someone come from the office, but that would require a delay.

6 JUDGE MEDLEY: Okay. Let's proceed, and then we will break.

7 MR. DONOHUE: John Donohue, Your Honor, for Patent Owner, and
8 with me is John McGlynn. Also from our office, Sarah Dukmen is with us
9 today, and I believe that we've also identified previously Mr. Scott Tewes
10 who is the outside counsel for Frontline. We also have with us from
11 Frontline itself Mr. Thompson and Mr. Blackstone who also happen to be
12 the Inventors of the Patent at issue here.

13 JUDGE MEDLEY: Okay. So do you have issue with Mr. Karl
14 proceeding today without a registered practitioner?

15 MR. DONOHUE: No, Your Honor, we don't.

16 JUDGE MEDLEY: Okay. So we would like to confer on that, so
17 we're going to leave and we'll come right back.

18 (Off the record at 10:02 a.m.)

19 (On the record at 10:08 a.m.)

20 JUDGE MEDLEY: -- We conferred and discussed whether or not
21 Mr. Karl may proceed, without a registered practitioner here with them, and
22 the answer's going to be yes. But we do want to clarify for the record -- for
23 today, this is acceptable. We want to clarify for the record, however, that --
24 we expected lead or backup registered practitioners to be here, but we
25 understand the lead could not be here today but we were expecting that

1 back-up counsel would be here. And we also expect that a registered
2 practitioner would be present with a person who is admitted *pro hoc vice*.
3 So we will go ahead and begin. Petitioner, you may begin first.

4 MR. KARL: Thank you, Your Honor. We have bound copies of the
5 demonstratives. We also have slides to hand up to the Court.

6 JUDGE MEDLEY: Yes, you may approach the bench.

7 And would you like to reserve rebuttal time?

8 MR. KARL: Yes, please, 20 minutes, although I'm hoping not to take
9 as much as that on my opening.

10 JUDGE MEDLEY: Okay. Thank you. Please proceed.

11 MR. KARL: May it please the Board, at issue in today's proceeding is
12 the patentability under Section 101, the five claims of Frontline's Patent
13 6,675,151. And I'd like to start by referring to one of the two dependent
14 claims, method claim, Claim 3, which is on page 6 of the demonstratives.
15 That's CX 1022, Slide 6.

16 JUDGE BISK: Excuse me. I think it's six claims, is that right? Five
17 claims or --

18 MR. KARL: So it's six claims, you are, correct, Your Honor.

19 On the left-hand side, Claim 3 has been produced in full. Did I say
20 right side or left side? To the left-hand side, the claim's produced in full.
21 On the right-hand side are summaries of the four basic steps that the claims
22 recite in a high-level form. Obviously, there's more detail that's set forth in
23 the claim; it's there on the page. But the four basic steps are receiving
24 absentee information, generating and posting vacancy information, receiving
25

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.