

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

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4  
5 LIBERTY MUTUAL INSURANCE COMPANY,

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7 Petitioner,

8  
9 vs.

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11 PROGRESSIVE CASUALTY INSURANCE CO.,

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13 Patent Owner.

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16  
17 TELEPHONIC PETITION HEARING

18  
19 AUGUST 29, 2013

20 2:30 p.m.

21 Taken at:

22 Jones Day

23 901 Lakeside Avenue

24 Cleveland, Ohio

25  
Todd L. Persson, Notary Public

1 APPEARANCES:

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4 teleconference:

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1 APPEARANCES, Continued:

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3 APPEAL BOARD (vie teleconference):

4 JUDGE JAMESON LEE (Chair)

5 JUDGE JONI CHANG

6 JUDGE MICHAEL ZECHER

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1 MR. GRIFFITH: Your Honor, Cal  
2 Griffith with Jones Day, along with my  
3 partners, John Biernacki and Jim Wamsley. And  
4 we notified the Board that we would have a  
5 court reporter on the call, and we have a court 14:31:58  
6 reporter here as well, Mr. Todd Persson.

7 JUDGE LEE: Representing Liberty  
8 Mutual?

9 MR. GRIFFITH: I'm sorry, Your  
10 Honor. We represent the Progressive Casualty 14:32:08  
11 Insurance Company.

12 MR. BAUGHMAN: Your Honor, Steve  
13 Baughman, at Ropes & Gray. I have a colleague  
14 with me, but he won't be entering an appearance  
15 today. 14:32:21

16 JUDGE LEE: The court reporter is  
17 fine. Thank you. Will we be getting a copy of  
18 the transcript, I hope?

19 MR. GRIFFITH: Surely, I hope.

20 JUDGE LEE: And you'll provide one 14:32:31  
21 to the other side?

22 MR. GRIFFITH: Yes.

23 JUDGE LEE: Thank you. And  
24 Progressive asked for this call?

25 MR. GRIFFITH: Yes, Your Honor. 14:32:38

1 This is Cal Griffith speaking. The issue that  
2 brings us here today involves, at our request,  
3 four CBMs, specifically 2012-2, -3 and -4, as  
4 well as CBM 2013-9.

5 Your Honor, the same issues are 14:33:00  
6 involved in one additional CBM for which a  
7 reply was filed on Tuesday, and I've spoken  
8 about this with Mr. Baughman, and that is  
9 2013-4, relating to yet another of the  
10 Progressive patents. And it has the same 14:33:21  
11 issues involved with whether the reply is a  
12 proper reply, and whether the reply evidence is  
13 proper reply evidence.

14 I want to let Your Honor know that  
15 Mr. Baughman and I, as well as one of his 14:33:40  
16 partners, spoke a couple of times about this,  
17 or maybe more than that, but certainly in a  
18 little detail we spoke at least a couple of  
19 times about the issues here and whether the  
20 replies were proper. 14:34:03

21 Now, one of the issues that we  
22 spoke about is a somewhat mundane issue, if you  
23 will, of formatting, and the fact that their  
24 replies were not properly formatted. That's  
25 not true with the one filed this week. It was. 14:34:21

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