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PROCEEDINGS

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(1:00 p.m.)

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JUDGE LEE: Good afternoon. Please have a seat.

4

This is the consolidated oral argument for two inter partes

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reviews that would be IPR 2013-00419 and IPR 2013-00424.

6

Each party will have a total argument time of 90

7

minutes. We will begin with the Petitioner, followed by the

8

Patent Owner. And whatever time the Petitioner does not use

9

in its first time up, you may use for your rebuttal.

10

Now can we have Petitioner's counsel introduce

11

themselves.

12

MR. BERKOWITZ: Of course, Your Honor, Matt

13

Berkowitz from Kenyon & Kenyon on behalf of Petitioner. And

14

I have a few of my colleagues with me here, Vincent Rubino,

15

also from Kenyon & Kenyon, my partner George Badenoch. And

16

then also from Petitioner, Toyota Motor Corporation, Masanobu

17

Yamashita and Takehiko Nakajima.

18

And, Your Honor, after introductions if we could

19

just have a minute to finish setting up the projector.

20

JUDGE LEE: Certainly. Thank you. Welcome to the

21

Board. And we will have counsel for Patent Owner introduce

22

your party, please.

23

MR. SCHARFF: Yes, Your Honor, Christopher Scharff

24

on behalf of the Patent Owner, Advanced Vehicular Sciences.

25

And with me are my partners, Tom Wimbiscus and Scott McBride.

1 JUDGE LEE: Thank you, and welcome the Board.

2 Let's hold for a couple minutes while the lawyers finish

3 setting up.

4 MR. BERKOWITZ: Thank you.

5 (Pause in the proceedings.)

6 MR. BERKOWITZ: So if the Board is ready, I think

7 we're set up.

8 JUDGE LEE: All right. Let's go on the record,

9 please. You may begin, Mr. Berkowitz.

10 MR. BERKOWITZ: May it please the Board, again, my

11 name is Matt Berkowitz on behalf of Petitioner here. We are

12 here on two IPRs, IPR 2013-00419 and 00424. There are some

13 overlapping issues, so my intention is to address both of

14 them at the same time with a single slide presentation.

15 Slide 2, please.

16 On the slide here, Your Honor, is a list of the

17 grounds of review, as well as the claims that are at issue

18 and being challenged. I recognize that there are a lot of

19 claims here and a lot of grounds of review.

20 However, I think that it boils down to really just

21 three issues, with one being primary and overlapping, both of

22 the IPR proceedings. The other two issues are -- one is

23 particular to the 419 IPR and one is particular to the 424.

24 The first primary issue, Your Honor, Your Honors,

25 concerns the Lemelson reference, which is at issue in many of

1 these grounds. And one particular claim phrase that is found  
2 in some form or another in many of the, in many of the  
3 challenged claims. It is a claim phrase I will be referring  
4 to as the "generated from" claim phrase. And I will get to  
5 that in a minute in specifics.

6 But that issue -- I'm sorry, there are four  
7 independent claims in the 419 IPR, 1, 30, 40, and 56. And  
8 that, that issue with respect to Lemelson and the "generated  
9 from" phrase is dispositive with respect to all but claim 30  
10 and its dependent claims, 31 through 34, 37 through 39, as  
11 well as claim 62, which depends from 56.

12 In the 424 IPR, the '000 patent, the same phrase  
13 regarding the Lemelson and the "generated from" phrase is  
14 dispositive with respect to grounds of review 1 and 2. That  
15 is independent claim 10, dependent claims 11 and 19, and  
16 independent claim 23.

17 The second issue that I will discuss concerns a  
18 limitation found in -- this is particular to the 419 IPR. It  
19 concerns a limitation that's found in independent claim 30  
20 and concerns the location of a receiver, and particularly the  
21 placement of a receiver on a rear-view mirror in a vehicle.  
22 These are claims about exterior monitoring outside a vehicle  
23 and this is, this is particular to the placement of that  
24 receiver.

25 So there is one issue that concerns -- that

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