RECORD OF ORAL HEARING

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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PNY TECHNOLOGIES, INC.

Petitioner

vs.

PHISON ELECTRONICS CORP.

Patent Owner

- - - - - - - -

Case Nos. IPR2013-00472, IPR2014-00150

Patent No. 7,518,879

Technology Center 2800

Oral Hearing Held: Wednesday, November 12, 2014

Before: KEVIN TURNER (via video link), STEPHEN SIU, RAMA G. ELLURU, Administrative Patent Judges.

The above-entitled matter came on for hearing on Wednesday, November 12, 2014, at 1:05 p.m., in Hearing Room D, taken at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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(1:05 p.m.)

JUDGE ELLURU: Let's go on the record. This is the final hearing in IPR's 2013-00472 and 2014-00150, between PNY Technologies, Inc. as Petitioner and Phison Electronics Corporation as the Patent Owner.

Counsel, could you please identify yourselves starting with Petitioner.

MR. NIKOLSKY: Good afternoon. On behalf of the Petitioner my name is Mark Nikolsky from the law firm of McCarter & English.

With me are my colleagues Sanjiv Chokshi, who is backup counsel, and our associate Tim Homlish, who has been working with us on this case.

JUDGE ELLURU: Welcome. And Patent Owner?

MR. BARKAN: Good afternoon, Your Honor. David Barkan, Fish & Richardson, for Phison. And with me is Josh Griswold.

JUDGE ELLURU: Thank you. I am Judge Elluru. I have Judge Siu on my right, and Judge Turner appearing remotely is on my left. Please take into consideration that Judge Turner is appearing remotely in making your presentation.

Judge Turner, can you hear us?

JUDGE TURNER: I can hear you. Can you hear me?

JUDGE ELLURU: Yes. This hearing covers two cases and one patent. The 472 case challenges claims in U.S. Patent No. 7,518,879. The 150 case also challenges claims of the '879 patent. We joined the 150 case to the 472 case and we instituted an inter partes review of claims 1 through 21 of the '879 patent.

The issues today are confined to the grounds set forth for trial in our decision to institute in the 450 case. We instituted review on the ground that claims 1 through 4, 8 through 12, and 16 are unpatentable under 35 U.S.C. Section 103 over the combination of Minneman and Takahashi.

And in the 150 case we instituted review on the ground that claims 1, 3 through 9, and 11 through 21 are unpatentable under 35 U.S.C. Section 103 over the combination of Elbaz and Deng, and claims 2 and 10 are unpatentable under 35 U.S.C. 103 over the combination of Elbaz, Deng, and the admitted art.

Each side will have one hour of total time to present argument in the two cases. The parties may allocate their 60 minutes between the two cases as they see fit.

But we do ask that when you make an argument that is specific to a particular case or a particular ground, please identify clearly for the record which of the cases and which ground that argument is directed toward.

PNY Technologies bears the ultimate burden of proof that the patent claims at issue are unpatentable, so PNY

Technologies will present argument first, followed by Phison Electronics.

MR. NIKOLSKY: does PNY Technologies wish to reserve time for rebuttal?

MR. NIKOLSKY: Yes, they do. Can we reserve 15 minutes, please?

JUDGE ELLURU: Yes. And I'm going to do this the old-fashioned way by using the clock. So I will give you a warning at five minutes.

MR. NIKOLSKY: Okay. Great.

JUDGE ELLURU: Are you ready?

MR. NIKOLSKY: Yes, I am.

JUDGE ELLURU: Please begin.

MR. NIKOLSKY: Thank you, Your Honors. May it please the Board, again, my name is Mark Nikolsky on behalf of the Petitioner PNY Technologies.

Your Honors, the Petitioners are here today to set forth that all the claims of the '879 patent are invalid for the reasons set forth in the first and second petition that PNY has filed, for the reasons set forth in the Board's first and second decisions, and for the reasons that we will discuss today in our presentation in this hearing.

Your Honors, we have set forth on slide 2 just a very quick overview of what we would like to accomplish today. First, we would like to give you a very brief overview of the '879 patent and what the technology is at issue.

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