

RECORD OF ORAL HEARING

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CONOPCO, INC. dba UNILEVER,
Petitioner

v.

THE PROCTER & GAMBLE COMPANY
Patent Owner

Appeal Nos. IPR2013-00505 and IPR2013-00509
Application Nos. 09/558465 and 09/558447
Technology Center 1600

Record of Oral Hearing
Held: November 5, 2014

Before: GRACE OBERMANN, LORA GREEN, RAMA ELLURU,
Administrative Patent Judges.

The above-entitled matter came on for hearing on Wednesday,
November 5, 2014 at the U.S. Patent and Trademark Office, 600 Dulany
Street, Alexandria, Virginia at 9:00 a.m. in Courtroom A.

Appeal Nos. IPR2013-00505 and IPR2013-00509
Application Nos. 09/558465 and 09/558447

APPEARANCES:

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P R O C E E D I N G S

(9:00 a.m.)

JUDGE OBERMANN: Court reporter, are you ready? Thank you.

Good morning. This is the final hearing in IPR-2013-00505 and 2013-00509. It is between Unilever as Petitioner and Procter & Gamble Company as the Patent Owner.

I am Judge Obermann. And I have Judge Green on my right and Judge Elluru on my left. This hearing covers two cases and two patents. The 505 case involves U.S. Patent Number 6,974,569, and the 509 case involves U.S. Patent Number 6,451,300.

The issues are confined to the grounds set for trial in our decisions to institute. There are four grounds at issue. Three rely on the Kanebo reference, and a fourth relies on the Evans reference.

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 ask that where you make an argument regarding Kanebo, please identify clearly for the record which of the grounds that argument is directed towards.

1 Unilever bears the ultimate burden of proof that
2 the patent claims at issue are unpatentable, so Unilever will
3 present argument first, followed by P&G. Mr. Meara?

4 MR. MEARA: Yes.

5 JUDGE OBERMANN: Does Unilever wish to
6 reserve time for rebuttal?

7 MR. MEARA: Yes.

8 JUDGE OBERMANN: How much?

9 MR. HOUSTON: 20 minutes, Your Honor.

10 JUDGE OBERMANN: Okay. Mr. Meara, are you
11 ready to begin?

12 MR. HOUSTON: Your Honor, I'm Michael
13 Houston on behalf of Petitioner. I will be arguing this
14 morning.

15 JUDGE OBERMANN: Okay. Could you please
16 spell your name for me?

17 MR. HOUSTON: Sure. Michael, M-i-c-h-a-e-l,
18 Houston, just like the city.

19 JUDGE OBERMANN: Okay. Are you ready to
20 begin?

21 MR. HOUSTON: Yes, I am.

22 JUDGE OBERMANN: When you are up there, I
23 am going to start your time at 40 minutes.

24 MR. HOUSTON: Good morning. May it please
25 the Court, Your Honors, as I introduced myself, I am Michael

1 Houston on behalf of Petitioner, Unilever. With me is
2 co-counsel, Ms. Jeanne Gills and Mr. Joe Meara. And we also
3 have in the room representatives from Petitioner Unilever, Mr.
4 Evans Squillante and Mr. Ronald Koatz.

5 To guide my remarks this morning, Your Honor
6 has already touch upon the grounds that have been instituted
7 here, and we just have a first demonstrative to help illustrate
8 that.

9 With respect to Kanebo and the '569 patent, the
10 trial is instituted on a number of claims. The parties really
11 only have specific disputes that focus around claims 1, 10,
12 and 19 of the '569 patent.

13 It turns out that claims 10 and 19 of the '569
14 patent raise the same issues, identical limitations in the same
15 issues come up with respect to claims 3 and 18 in the '300
16 patent. Because those issues are so identical, I will actually
17 discuss those in tandem, but I will try to make it clear, as
18 Your Honor requested for the record, which ones I am
19 discussing at which time.

20 There wasn't a dispute in the Patent Owner's
21 response brief as to the anticipation of the claims under the
22 '300 patent for Kanebo. And then later in my remarks,
23 though, I will touch upon the last ground, the Evans rejection
24 under obviousness for a slightly different subset of the claims
25 of the '300 patent.

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