

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EIZO CORPORATION,
Petitioner,

v.

BARCO N.V.,
Patent Owner.

Case IPR2014-00358
Patent RE43,707 E

Held: April 1, 2015

BEFORE: KALYAN K. DESHPANDE, JAMES B. ARPIN,
and DAVID C. McKONE, *Administrative Patent Judges*.

The above-entitled matter came on for hearing on Wednesday,
April 1, 2015, commencing at 1:03 p.m., at the U.S. Patent and
Trademark Office, 600 Dulany Street, Alexandria, Virginia

Case IPR2014-00358
Patent RE43,707 E

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P R O C E E D I N G S

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JUDGE DESHPANDE: Good afternoon, everybody. This afternoon we have our hearing for IPR2014-00358, Eizo Corporation versus Barco N.V. I'm Judge Deshpande and as you can see, we have Judge Arpin and Judge McKone remotely from Denver and Detroit. One Denver, one Detroit. I'll let you guess as to who is who. As you can see, we have remote judges, everything needs to be spoken into the microphone at the center podium. So let's go ahead and have our appearances, but please step up to the center podium to announce yourself.

MR. WEINSTEIN: This is Mark Weinstein of Quinn Emanuel on behalf of Petitioner, Eizo Corporation.

MR. HARTMAN: Kerry Hartman on behalf of Patent Owner, Barco N.V.

MR. MORGAN: Jeff Morgan on behalf of Barco N.V.

JUDGE DESHPANDE: Let me just confirm with our remote judges that they have heard everything and they can hear everything going forward. Judge Arpin, did you have any trouble with the sound?

JUDGE ARPIN: No, I did not.

JUDGE DESHPANDE: Judge McKone?

JUDGE MCKONE: No, I did not. Can you hear me okay?

1 JUDGE DESHPANDE: Excellent. We can hear you just
2 fine. We set forth the procedure for today's hearing in our trial
3 hearing order but just to confirm, I'm going to go ahead and go
4 through that just quickly. As the Petitioner bears the burden of proof,
5 so the Petitioner will have the first opportunity to present arguments.

6 Petitioner, you may allocate your time as you see fit, and
7 you can reserve time for rebuttal. After you have completed your
8 arguments, Patent Owner, you'll have a chance to respond. Both sides
9 have 30 minutes total for each side.

10 Let me just also remind you to not interrupt each other when
11 you are speaking. If you object to any demonstrative or argument,
12 you may present that as so during your time for argument. But do not
13 interrupt opposing counsel at any moment in time.

14 Do you have any questions as to today's procedure?

15 MR. HARTMAN: No, sir.

16 MR. WEINSTEIN: No, sir.

17 JUDGE DESHPANDE: No questions, then we'll go ahead
18 and proceed. Petitioner, you may present your argument first.

19 MR. WEINSTEIN: Thank you, Your Honor. I have a copy
20 of the presentation, if that would be helpful.

21 JUDGE DESHPANDE: Yes, please. Also, as a reminder,
22 when we are going through exhibits, carefully articulate which
23 demonstrative, what slide you are on or paper number or column
24 number, so that our remote judges, who don't have it in front of them
25 on the screen, that they know where we are.

1 MR. WEINSTEIN: Understood. I apologize, I wasn't able
2 to get my presentation working up on the display. So we'll just be
3 working from the paper copies. Again, I'm Mark Weinstein of Quinn
4 Emanuel. I'm here on behalf of Petitioner, Eizo Corporation. Today
5 we are here to discuss two issues with respect to IPR2014-00358.

6 The first issue is whether the Kamada reference teaches the
7 limitation that the tolerance level varies for pixels of a display. And
8 the second issue is whether or not the Petition was timely. As has
9 already been explained in the Petition, the grant decision and in
10 Petitioner's Reply, the answer to both of those questions is
11 affirmative, and I'll explain that further in more detail in my
12 presentation.

13 First, turning to slide Petitioner's DX3, there is a brief
14 overview of the '707 patent. The '707 patent is a reissue of U.S. patent
15 number 7,639,849, and that patent issued on December 29, 2009, just
16 before the two-year date. The patent owner filed a broadening reissue
17 on December 28, 2011, and that broadening reissue issued as the
18 reissued '707 patent on October 2, 2012.

19 It reissued with all original claims 1 to 37 intact and
20 unchanged and with new broadened claims 38 to 115. Among those
21 broadened claims are the four claims that are the subject of this IPR,
22 that includes independent claim 101 and dependent claims 102 to 104.

23 Turning to slide DX4, there's a brief overview of the
24 Kamada reference. The Kamada reference is a published U.S. patent

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