

IPR2013-00567 - IPR2013-00568 - IPR2014-00541
APRIL 14, 2014 Conference Call

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UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT TRIAL AND APPEAL BOARD

WINTEK CORPORATION,)
)
 Petitioner,) Case IPR2013-00567
) Patent 8,217,902
vs.)
) Case IPR2013-00568
TPK TOUCH SOLUTIONS,) Patent 8,217,902
)
 Patent Owner.) Case IPR2014-00541
) Patent 8,217,902
_____)

Monday, April 14, 2014

3:30 p.m. EST

Teleconference before the Patent Trial and Appeals Board, Judges Josiah C. Cocks, Richard E. Rice, and Adam V. Floyd presiding, the proceedings being recorded stenographically by Carrie LaMontagne, Certified Shorthand Reporter for the State of Oklahoma, License No. 1976, and transcribed under her direction.

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1 PROCEEDINGS

2 MR. BILSKER: This is David Bilsker for
3 patent owner. Good afternoon, your Honors. So the
4 first issue that we have is something that was
5 discussed at the scheduling conference and it was the
6 witness statement of petitioner's expert,
7 Vivek Subramanian.

8 We believe that there was information in that
9 witness statement that was relevant to positions that
10 he was taking in this IPR, and we did do a meet
11 confer with petitioners; and I can't say that we are
12 actually in disagreement, but we're at an impasse.

13 The issue is that the expert, Dr. Subramanian,
14 does not actually have in his possession the witness
15 statement any longer and petitioners do not have it
16 either. So even if they wanted to give it to us,
17 they are not in a position to actually produce it to
18 us. So we're at somewhat of an impasse as to what to
19 do.

20 The witness statement belongs to Apple. They
21 were the ones that submitted his testimony in the ITC
22 proceedings in which the testimony came out. So it

1 seems that they would be really the only ones that
2 would be in a position to produce it to us.

3 JUDGE COCKS: This is Judge Cocks.

4 So what relief are you seeking from the board?

5 MR. BILSKER: Well, I guess we're seeking
6 one of two things. Either some guidance from the
7 board as to how to go about obtaining that witness
8 statement with the Board's assistance and/or leave
9 the file and motion to compel to obtain that witness
10 statement.

11 JUDGE COCKS: All right. Mr. Palys, do you
12 have any thoughts in that regard?

13 MR. PALYS: This is Joseph Palys.

14 My only thoughts are I wouldn't necessarily
15 agree that there is no disagreement. We -- from the
16 preliminary information that we received from the
17 patent owner, we don't think there's an inconsistent
18 statement; but as far as the facts are concerned,
19 that is true.

20 Our client does not have possession of this
21 material, nor does our expert. So we really couldn't
22 produce it even if there was a motion to compel or

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