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IPR2015-00722, Paper No. 35
IPR2015-00784, Paper No. 34
IPR2015-00787, Paper No. 34
IPR2015-00790, Paper No. 33
IPR2015-00791, Paper No. 34
IPR2015-00794, Paper No. 30
IPR2015-00795; Paper No. 30
August 11, 2016

571-272-7822

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FORD MOTOR COMPANY,
Petitioner,

v.

PAICE LLC & THE ABELL FOUNDATION, INC.,
Patent Owner.

Cases IPR2015-00722, IPR2015-00784, IPR2015-00787,
IPR2015-00790, IPR2015-00791, IPR2015-00794,
and IPR2015-00795
Patents 7,237,634 B2 and 7,104,347 B2

Held: June 28, 2016

BEFORE: SALLY C. MEDLEY, KALYAN K. DESHPANDE,
and CARL M. DeFRANCO, Administrative Patent Judges.

The above-entitled matter came on for hearing on Tuesday, June 28, 2016, commencing at 9:03 a.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

Cases IPR2015-00722, IPR2015-00784, IPR2015-00787,
IPR2015-00790, IPR2015-00791, IPR2015-00794,
IPR2015-00795; Patents 7,237,634 B2 and 7,104,347 B2

APPEARANCES:

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Cases IPR2015-00722, IPR2015-00784, IPR2015-00787,
IPR2015-00790, IPR2015-00791, IPR2015-00794,
IPR2015-00795; Patents 7,237,634 B2 and 7,104,347 B2

1 P R O C E E D I N G S

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3 JUDGE MEDLEY: This is the hearing for
4 IPR2015-00722, 784, 787, 790, 791, 794 and 795 between
5 Petitioner Ford and Patent Owner Paice and The Abell
6 Foundation, and it involves claims of U.S. Patent 7,237,634 and
7 U.S. Patent 7,104,347.

8 Per our May 26 order, each party will have 75 minutes
9 of total time to present arguments. Petitioner, you will proceed
10 first, present your case with respect to the challenged claims and
11 grounds for which the Board instituted trial. Thereafter, Patent
12 Owner, you will have an opportunity to respond to Petitioner's
13 presentation and, Petitioner, you may reserve rebuttal time.

14 At this time we'd like the parties to please introduce
15 counsel beginning with the Petitioner.

16 MR. ANGILERI: Can I introduce everyone, Your
17 Honor, or --

18 JUDGE MEDLEY: I'm sorry?

19 MR. ANGILERI: Should I introduce everyone?

20 JUDGE MEDLEY: Just who's going to argue is fine.

21 MR. ANGILERI: Okay. Frank Angileri for Petitioner
22 and also John Rondini who's behind me will argue today.

23 JUDGE MEDLEY: Okay. Thank you.

24 And for Patent Owner?

Cases IPR2015-00722, IPR2015-00784, IPR2015-00787,
IPR2015-00790, IPR2015-00791, IPR2015-00794,
IPR2015-00795; Patents 7,237,634 B2 and 7,104,347 B2

1 MR. LIVEDALEN: Good morning, Your Honor.
2 Brian Livedalen from the law firm of Fish & Richardson for
3 Patent Owner. With me here is Linda Kordziel. I'll be handling
4 all the oral arguments. With me also here is the representative
5 from Patent Owner, Francis Keenan.

6 JUDGE MEDLEY: Okay. Thank you.
7 We got new equipment, so bear with us for a minute.
8 All right. It seems to be working.
9 Okay. Petitioner, you may begin.

10 MR. ANGILERI: Thank you, Your Honor. Again,
11 Frank Angileri for Petitioner. At counsel table is Andy Turner
12 and then also with us are Lissi Mojica, Kevin Greenleaf from the
13 Dentons firm, Sangeela Shah from Brooks Kushman, our firm,
14 and Matt Moore from Latham Watkins and then David Kelley
15 from Ford.

16 We have the hard copies of the demonstratives for today
17 and tomorrow. Would you like those?

18 JUDGE MEDLEY: I would like a copy.

19 MR. ANGILERI: As the Board knows, we are -- we
20 broke this into three groups. In general there are a lot of new
21 issues today, but there's also a lot of old issues. In fact, there may
22 be more old issues than new issues.

23 In the broad sense Group 1 relates to seven petitions
24 that are all centered in part on the Ibaraki '882 patent. Group 2

Cases IPR2015-00722, IPR2015-00784, IPR2015-00787,
IPR2015-00790, IPR2015-00791, IPR2015-00794,
IPR2015-00795; Patents 7,237,634 B2 and 7,104,347 B2

1 tomorrow morning are two petitions that focus on the priority
2 issues and the PCT and Severinsky prior art. And then Group 3,
3 the primary references are Severinsky and Bumby, which the
4 Board looked at in the final decisions from last year.

5 The common theme for last year and this year is this
6 idea of torque-based mode selection. And what I think these
7 arguments today show is that that torque-based mode selection is
8 very well-known in the art and was very well-known in the art
9 before the Paice patents were filed.

10 Again, last year it focused on Severinsky and Bumby
11 and a Caraceni reference as well as a Tabata reference. This year
12 the focus is -- today, anyway, is on Ibaraki.

13 Today we'll also look at the fact that the claims at issue
14 add a number of well-known features. These were -- they don't
15 really change the fact that the torque-based mode selection is old
16 and the well-known features don't add much to these claims.

17 What we've tried to do to organize this in both the
18 presentation today and tomorrow, we've got two things that we've
19 tried to do to organize these issues.

20 First, in slide 2 on the left we have the various issues
21 that are addressed in these seven petitions and then across the top
22 we try to explain where in each of these petitions these issues
23 arise.

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