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IPR2015-01121, Paper No. 52

IPR2015-01125, Paper No. 52

IPR2015-01123, Paper No. 50

IPR2015-01124, Paper No. 53

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August 19, 2016

RECORD OF ORAL HEARING
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UMICORE AG & CO. KG

Petitioner

vs.

BASF CORPORATION

Patent Owner

Case IPR2015-01121, IPR2015-01125

Patent 7,601,662 B2

Case IPR2015-01123, IPR2015-01124

Patent 8,404,203 B2

Oral Hearing Held: July 28, 2016

Before: CHRISTOPHER L. CRUMBLEY, JO-ANNE M.
KOKOSKI, JEFFREY W. ABRAHAM, Administrative Patent Judges

The above-entitled matter came on for hearing on Thursday,
July 28, 2016 at the U.S. Patent and Trademark Office, 600 Dulany Street,
Alexandria, Virginia in Courtroom A, at 1:00 p.m.

REPORTED BY: KAREN BRYNTESON, RMR, CRR,
FAPR

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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ON BEHALF OF THE PATENT OWNER:

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Case IPR2015-01121, IPR2015-01125 and Case IPR2015-01123,
IPR2015-01124
Patent 7,601,662 B2, and Patent 8,404,203 B2

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

2 (1:00 p.m.)

3 JUDGE CRUMBLEY: Have a seat everyone. Give
4 us a second to get powered up here.

5 All right. We will go ahead and get started, and
6 we will assume my screen will start cooperating at some point
7 here.

8 So, good afternoon, everyone. Today we have the
9 oral hearing in four inter partes review trials, Case Numbers
10 IPR 2015-01121, 1123, 01124, and 01125 between Umicore
11 AG as Petitioner and BASF Corporation as Patent Owner.

12 I am Judge Crumbley. To my right is Judge
13 Kokoski, and to my left is Judge Abraham. I would start by
14 getting the parties' appearances, starting with Petitioner.

15 MS. GARDNER: Elizabeth Gardner of Orrick,
16 Herrington & Sutcliffe representing Petitioner.

17 MR. HERMAN: Patrick Herman, also of Orrick,
18 representing Petitioner.

19 JUDGE CRUMBLEY: Good afternoon. And who
20 do we have from the Patent Owner?

21 MR. DESAI: Anish Desai from Weil Gotshal.

22 MR. FERGUSON: And Brian Ferguson, also from
23 Weil Gotshal.

24 MR. DESAI: And, Your Honors, I have with me
25 in-house counsel for BASF Tanuja Garde and Anna-Lisa Gallo.

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1 And the inventor, one of the inventors of the '662 patent,
2 Ahmad Moini.

3 MS. GARDNER: And just we also have in-house
4 Dr. Stefen Repko from Umicore.

5 JUDGE CRUMBLEY: Hi, welcome to the Board.

6 So we set forth the procedure for today in our trial
7 order, but just to make sure everyone is on the same page,
8 each side is going to have 90 minutes of total time to present
9 its argument in all four cases today.

10 You can allocate your time between cases as you
11 wish. We are not going to break up the transcript between the
12 four cases. So we are going to enter the same transcript in the
13 record of all of the cases.

14 Petitioner has the burden of proving
15 unpatentability and will go first. You are going to present
16 your case-in-chief in all four cases before sitting, and then
17 letting the Patent Owner speak. You can reserve rebuttal time
18 at the beginning of your argument, if you wish. Just let me
19 know, so I can set the clock, and then followed by Patent
20 Owner's presentation of its case-in-chief, then followed by the
21 rebuttal of the Petitioner.

22 Since three hours is a long time for our reporter to
23 go, I think we are going to try and take a break somewhere in
24 the middle. We will find an appropriate time to do that, and
25 we can stretch our legs.

1 So I note that both parties submitted demonstrative
2 exhibits. I want to make a couple quick points on those.

3 First, we received objections from Petitioner to a
4 couple of Patent Owner's demonstratives; is that correct?

5 MS. GARDNER: Yes.

6 JUDGE CRUMBLEY: As I understand it, those are
7 based on the fact that they rely on expert testimony to which
8 you have filed a motion to exclude?

9 MS. GARDNER: Correct, Your Honor.

10 JUDGE CRUMBLEY: So we're not going to
11 sustain that objection at this time because we haven't ruled on
12 the motion to exclude. I think it is within our ability to not
13 rely on those slides, if we decide to grant the motion to
14 exclude.

15 And then, second, I see that the Patent Owner has
16 submitted a confidential version, as well as a public version of
17 its demonstrative slides?

18 MR. DESAI: That's correct.

19 JUDGE CRUMBLEY: All right. So there is no
20 motion to seal with those?

21 MR. DESAI: That's correct. I think we intend to
22 use the version in public here today.

23 JUDGE CRUMBLEY: Okay. And that's what I
24 was going to point out to you. It is an open hearing,
25 obviously.

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