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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

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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UMICORE AG & CO. KG

Petitioner

vs.

BASF CORPORATION

Patent Owner

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Case IPR2015-01121, IPR2015-01125

Patent 7,601,662 B2

Case IPR2015-01123, IPR2015-01124

Patent 8,404,203 B2

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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:

ANISH DESAI, ESQ.  
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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 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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