

[trials@uspto.gov](mailto:trials@uspto.gov)

IPR2015-01265, Paper No. 33

IPR2015-01266, Paper No. 34

IPR2015-01267, Paper No. 34

571-272-7822

September 22, 2016

RECORD OF ORAL HEARING

UNITED STATES PATENT AND TRADEMARK OFFICE

-----

BEFORE THE PATENT TRIAL AND APPEAL BOARD

-----

JOHNSON MATTHEY INC., and JOHNSON MATTHEY PLC,

Petitioners,

vs.

BASF CORPORATION,

Patent Owner.

-----

Case IPR2015-01265, IPR2015-01266, IPR2015-01267

Patent 8,899,023 B2, 9,039,982 B2, and 9,032,709 B2

Technology Center 3700

Oral Hearing Held: Tuesday, August 23, 2016

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

The above-entitled matter came on for hearing on Tuesday, August 23, 2016, at 1:00 p.m., Hearing Room D, taken at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

REPORTED BY: RAYMOND G. BRYNTESON, RMR,  
CRR, RDR

APPEARANCES:

ON BEHALF OF THE PETITIONER:

DOROTHY P. WHELAN, ESQ.  
Fish & Richardson P.C.  
3200 RBC Plaza  
60 South Sixth Street  
Minneapolis, Minnesota 55402  
612-335-5070

MARTINA TYREUS HUFNAL, ESQ.  
PATRICK D. COONEY, ESQ.  
Fish & Richardson P.C.  
222 Delaware Avenue  
17th Floor  
P.O. Box 1114  
Wilmington, Delaware 19899  
302-652-5070

ON BEHALF OF THE PATENT OWNER:

DEREK C. WALTER, ESQ.  
Weil, Gotshal & Manges LLP  
201 Redwood Shores Parkway  
Redwood Shores, California 94065-1134  
650-802-3934

ANISH DESAI, ESQ.  
MEGAN H. WANTLAND, ESQ.  
Weil, Gotshal & Manges LLP  
1300 Eye Street, N.W.  
Suite 900  
Washington, D.C. 20005  
202-682-7000

P R O C E E D I N G S

(1:00 p.m.)

JUDGE CRUMBLEY: All right. We have the oral hearing today in three related IPRs: IPR2015-1265, 1266 and 1267. So I'm Judge Crumbley. To my right is Judge Kokoski and to my left is Judge Abraham.

Let's get the parties' appearances, starting with the Petitioner first, please.

MS. WHELAN: Good afternoon, Your Honors. I'm Dorothy Whelan. I am lead counsel for Petitioner. I'm joined by backup counsel, Martina Hufnal. Ms. Hufnal will handle the oral argument today.

I'm also joined by my colleague Patrick Cooney from Fish & Richardson. And from Johnson Matthey we have Jimmie Johnson, Ross Oehler, and Sarah Dixon.

JUDGE CRUMBLEY: Welcome, everyone. And who do we have for Patent Owner?

MR. WALTER: Derek Walter of Weil, Gotshal & Manges for the Patent Owner BASF. Here with me is Mr. Anish Desai, lead counsel, Megan Wantland, also from Weil, Gotshal. And then from BASF, Anna-Lisa Gallo, Tanuja Garde and Joe Patchett.

JUDGE CRUMBLEY: All right. Very good. Thank you, everyone, for joining us today. We will get underway.

1 I note that both parties submitted demonstrative  
2 exhibits but we didn't receive any objections to those so I  
3 assume that everyone is happy with those and we will just use  
4 the copies that were submitted to the Board.

5 All right. So if there is nothing else before we get  
6 underway, we will start with the Petitioner's argument.

7 As we set forth in our hearing order, each side is  
8 going to have one hour of total hearing time. You may  
9 allocate it between the three cases as you wish, but we're not  
10 going to break up the arguments. So it is going to be just one  
11 record that will be entered in the records of all three cases.

12 Petitioner has the burden, so will go first. You  
13 may reserve rebuttal time, if you wish. Just let me know so I  
14 can set the clock at the beginning. And then, of course,  
15 Patent Owner will respond, and then you will have your  
16 rebuttal time.

17 Any questions before we get underway? All right.

18 MS. HUFNAL: Your Honor, we have hard copies  
19 of the slides if you would like a copy.

20 JUDGE ABRAHAM: I'll be using the electronic.

21 JUDGE CRUMBLEY: You will have to carry them  
22 home with you, I'm afraid.

23 How much time did you want to reserve?

24 MS. HUFNAL: Your Honor, I would like to  
25 reserve 15 minutes for rebuttal time.

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.