

RECORD OF ORAL HEARING
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NISSAN NORTH AMERICA, INC.,

Petitioner,

vs.

JOAO CONTROL & MONITORING SYSTEMS, LLC,

Patent Owner.

Case IPR2015-01509 (Patent No. 6,549,130 B1)

Technology Center 2600

Oral Hearing Held: Friday, September 9, 2016

BEFORE: HOWARD B. BLANKENSHIP; JASON CHUNG;
and STACEY G. WHITE (via video link), Administrative Patent Judges.

The above-entitled matter came on for hearing on Friday,
September 9, 2016, at 2:00 p.m., Hearing Room A, taken at the U.S. Patent
and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

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

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

2 (2:00 p.m.)

3 JUDGE BLANKENSHIP: Good afternoon. Please
4 be seated. This is the oral hearing for case IPR2015-01509,
5 Nissan North America against Joao Control & Monitoring
6 Systems.

7 Who do we have here for Petitioner?

8 MR. ABSHER: Alton Absher and Clay Holloway.

9 JUDGE BLANKENSHIP: All right. And for
10 Patent Owner?

11 MR. JOAO: Raymond Joao and Rene Vazquez.

12 JUDGE BLANKENSHIP: All right. Thank you.
13 Petitioner, you have 30 minutes. Whenever you are ready you
14 may begin.

15 MR. ABSHER: Thank you, Your Honor.

16 (Pause)

17 MR. ABSHER: Your Honors, Alton Absher on
18 behalf of Petitioner, Nissan North America. I expect our
19 opening will run approximately 20 minutes and I would like to
20 reserve 10 minutes or whatever is remaining for my rebuttal,
21 please.

22 JUDGE BLANKENSHIP: All right.

23 MR. ABSHER: Slide 2, please. This trial
24 concerns U.S. Patent 6,549,130. Given that we the Petitioner
25 have the burden to prove the challenged claims unpatentable

1 by a preponderance of the evidence, I would like to start with
2 a very brief overview of the record.

3 So we brought a petition with a supporting expert
4 declaration challenging nine claims of the '130 patent. The
5 declaration explained how a person of skill in the art -- what a
6 person of skill in the art would understand from the disclosure
7 and compare it to the claims.

8 The Patent Owner subsequently opted to file a
9 preliminary response, but in doing so introduced no evidence
10 regarding how a person of ordinary skill would understand the
11 claim and the prior art.

12 Slide 3, please. The Board subsequently instituted
13 trial on all nine challenged claims under all grounds identified
14 in the petition, finding a reasonable likelihood of success that
15 we would prevail in proving each of the challenged claims
16 unpatentable.

17 After that the Patent Owner deposed their expert
18 and filed its response. Again, the Patent Owner provided no
19 evidence regarding how a person of skill in the art would
20 understand the claim in the prior art.

21 Instead they critiqued our expert, but notably did
22 not challenge the admissibility of his testimony, only its
23 weight. And, again, they provided no evidence of secondary
24 considerations and merely provided attorney argument.

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