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IPR2015-01760, Paper No. 24

IPR2015-01762, Paper No. 22

571-272-7822

December 7, 2016

RECORD OF ORAL HEARING
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COXCOM, LLC,

Petitioner,

vs.

JOAO CONTROL & MONITORING SYSTEMS, LLC,

Patent Owner.

Case IPR2015-01760

(Patent 6,549,130)

Case IPR2015-01762

(Patent 7,397,363)

Technology Center 2600

Oral Hearing Held: Thursday, November 17, 2016

Before: STACEY G. WHITE, JASON J. CHUNG, and BETH
Z. SHAW, Administrative Patent Judges.

The above-entitled matter came on for hearing on Thursday,
November 17, 2016, at 1:00 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

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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ON BEHALF OF THE PATENT OWNER:

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P R O C E E D I N G S

(1:00 p.m.)

JUDGE CHUNG: Please be seated. This hearing is for IPR2015-01760 and IPR2015-01762, Coxcom LLC versus Joao Control & Monitoring Systems.

Who do we have for Petitioner?

MR. STOCKWELL: Your Honor, Mitch Stockwell, lead counsel for Petitioner, but my colleague Shayne O'Reilly will be arguing today.

JUDGE CHUNG: Who do we have for Patent Owner?

MR. JOAO: For Patent Owner we have Raymond Joao, and I have George Proios with me.

JUDGE CHUNG: Petitioner can reserve some rebuttal time. Each party will have 60 minutes to present their argument. Would the Petitioner like to reserve any rebuttal time?

MR. O'REILLY: We would like to reserve 15 minutes for rebuttal time.

JUDGE CHUNG: 15, 1-5?

MR. O'REILLY: Yes, sir.

JUDGE CHUNG: Okay. Thanks. With me on the panel are Judges Beth Shaw, and Stacey White who is sitting remote in Dallas.

1 So I would like to add that when the parties are
2 presenting their arguments from the slides, please refer to the
3 slide number clearly and speak into the microphone so that
4 Judge White can follow along.

5 At this time Petitioner may present their case.

6 MR. O'REILLY: Your Honors, we have hard
7 copies of the slides. May I approach?

8 JUDGE CHUNG: You may.

9 MR. O'REILLY: Unfortunately, Judge White, I
10 can't ship this to you. It wouldn't get to you quickly enough.

11 JUDGE WHITE: No worries. I have them
12 electronically.

13 MR. O'REILLY: Good afternoon, Your Honors.
14 As we mentioned earlier, my name is Shayne O'Reilly and this
15 is my colleague Mitch Stockwell.

16 We are here to talk about two different IPRs. One
17 involves U.S. Patent Number 7,397,363, which we will refer to
18 as the '363 patent. The other one involves U.S. Patent Number
19 6,549,130, which we will refer to as the '130 patent. These
20 patents are related. The '363 patent is a grandchild of the '130
21 patent.

22 Go to slide 2. So this, slide 2, just for some
23 background, Petitioner submitted a petition, provided some
24 evidence from a person of ordinary skill in the art through our
25 expert, Richard Bennett, and the Board instituted these IPRs

Case IPR2015-01760 (Patent No. 6,549,130)

Case IPR2015-01762 (Patent No. 7,397,363)

1 on these grounds listed right here. As you can see, what is
2 bolded are the independent claims.

3 So in the '130, the IPR related to the '130 patent,
4 the claims are 1, 98, 145. And the '363 patent, the
5 independent claims are 1, 84 and 42. So if you look at claim
6 44 it has an asterisk next to it. It is a dependent claim that
7 depends from independent claim 42. So we also address claim
8 42 in our analysis of the '363 patent as well.

9 What you will see also is that the current
10 references that are common to both IPRs are the Koether and
11 Crater references.

12 Slide 3. So one of the procedural disputes common
13 to both IPRs is whether Koether and Crater qualify as prior
14 art. We believe that they do. The Patent Owner differs.

15 Slide 4. So the only real disputed issue related to
16 that is whether the challenged claims are entitled to a priority
17 date prior to July 18, 1996. We do not believe that they are.
18 Patent Owner differs.

19 Slide 5. Slides 5 through 7 just provide some basic
20 legal principles on the law. But slide 5, there is no
21 presumption that the challenged claims of the '130 and '363
22 are entitled to a priority date prior to July 18, 1996.

23 Slide 6. The burden rests with the Patent Owner to
24 prove that it is entitled to a filing date earlier than -- priority
25 date earlier than the actual filing date.

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