

RECORD OF ORAL HEARING
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

E.I. Du PONT DE NEMOURS AND COMPANY AND
ARCHER-DANIELS-MIDLAND COMPANY

Petitioners

Vs.

FURANIX TECHNOLOGIES B.V.

Patent Owner

Case IPR2015-01838

Patent 8,865,921

Oral Hearing Held: November 16, 2016

Before: TONI R. SCHEINER, SHERIDAN K. SNEDDEN,
and CHRISTOPHER G. PAULRAJ, Administrative Patent Judges

The above-entitled matter came on for hearing on Wednesday,
November 16, 2016 at the U.S. Patent and Trademark Office, 600 Dulany
Street, Alexandria, Virginia in Courtroom A, at 10:00 a.m.

REPORTED BY: KAREN K. BRYNTESON, RMR, CRR,

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P R O C E E D I N G S

(10:00 a.m.)

JUDGE SCHEINER: Good morning, everyone. In the meantime, we're here this morning in the matter of IPR 2015-01838; is that correct? And we will get started in just a second. Again, I apologize for the delay. My fault entirely.

Here we go. Okay.

This will take a second, but in the meantime, if -- my understanding is that each party will have 45 minutes and Petitioner may reserve some time for rebuttal, and we have no motion to amend in this case; is that correct?

MR. RICHTER: That's correct.

JUDGE SCHEINER: And in a moment, we will let everybody do their introductions. So let me just grab a pen and my pad. And sorry for the chaotic start.

In a moment, we're going to go on the record. Okay. Why don't we start introductions, please.

MR. DOSHI: For Petitioners, Your Honor, Dipu Doshi, lead counsel, Michael Marcus, and backup counsel, Jonathan England.

JUDGE SCHEINER: Thank you very much. And for Patent Owner, please?

MR. RICHTER: Yes, good morning, Your Honor. My name is Paul Richter. I'm with Andrews Kurth Kenyon, and I'm here for the Patent Owner along with -- I am lead

1 counsel, along with backup counsel, my partner Mark
2 Chapman. We also have -- we'll a chief scientist from our
3 client, Mr. Jeff Kolstad.

4 JUDGE SCHEINER: Welcome to the Board.

5 MR. RICHTER: Thank you.

6 JUDGE SCHEINER: All right, Petitioner has the
7 burden of proving their case, so Petitioner will proceed first.
8 And I think I'm ready and if you're ready, please begin.

9 MR. DOSHI: Sure, Your Honor. Just to get
10 started, we do have a presentation that we served to the Board
11 earlier this week.

12 JUDGE SCHEINER: Yes, the demonstratives.

13 MR. DOSHI: We also have printouts from our --

14 JUDGE SCHEINER: Excellent.

15 MR. DOSHI: May I approach?

16 JUDGE SCHEINER: Yes, please. And I see we're
17 starting a few minutes after 10:00. I'm not going to use the
18 machine, so you will have until -- would you care to reserve
19 some time?

20 MR. DOSHI: Yes, actually, ten minutes, please.

21 JUDGE SCHEINER: Ten minutes. Okay. So
22 we're going to go until 10, what is that, about 37 or so, 10:38,
23 and you are going to reserve ten. Okay.

24 Okay. Ready to listen. And thank you.

25 MR. DOSHI: Thank you. Thank you, Your Honor.

1 Good morning. May it please the Board, again, my
2 name is Dipu Doshi, backup counsel for Petitioners, Dupont
3 and ADM. Together with me are Michael Marcus, lead
4 counsel, and Jonathan England, backup counsel.

5 And as I stated, I would like to reserve ten minutes
6 for rebuttal.

7 JUDGE SCHEINER: Okay, thank you. Could you
8 speak up just a little bit?

9 MR. DOSHI: Sure.

10 JUDGE SCHEINER: I'm not sure -- or maybe your
11 microphone isn't on.

12 MR. DOSHI: How about now? Is it --

13 JUDGE SCHEINER: No.

14 (Discussion off the record.)

15 MR. DOSHI: It says it's on, so I will try to speak
16 up a little bit.

17 JUDGE SCHEINER: Okay. Thank you.

18 MR. DOSHI: Sure. I'm moving to slide 2 of our
19 presentation here, the Institution decision. The Board granted
20 institution of this IPR on claims 1 through 5 and 7 through 9
21 of the '921 patent in view of the '732 publication, RU-177,
22 and '318 publication. Petitioner submits that it has met its
23 burden by a preponderance of the evidence. The evidence is
24 clear and it is compelling.

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