

RECORD OF ORAL HEARING
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EMERSON ELECTRIC CO.,

Petitioner,

vs.

SIPCO, LLC,

Patent Owner.

Case IPR2015-01973

Patent 8,013,732 B2

Technology Center 2600

Oral Hearing Held Friday, October 28, 2016

Before: LYNNE E. PETTIGREW, STACEY G. WHITE, and
CHRISTA P. ZADO, Administrative Patent Judges.

The above-entitled matter came on for hearing on Friday,
October 28, 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,
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P R O C E E D I N G S

(2:00 p.m.)

JUDGE WHITE: Thank you again for your flexibility with dealing with the scheduling of these proceeding. I do appreciate the parties having to go out of their way to travel back and forth, and I appreciate the time you have taken taking care of that matter for us.

Good afternoon. This is the oral hearing for IPR2015-01973 for Patent Number 8,013,732 B2, between Petitioner, Emerson Electric, and Patent Owner, SIPCO.

I'm Judge White. With me again are Judges Pettigrew and Zado. Let's have appearances.

MR. JACKSON: Good afternoon, Your Honor. This is Don Jackson of Davidson, Berquist, Jackson & Gowdey on behalf of Petitioner, Emerson. And with me is Walter Davis of the same firm, and Ted Plunkett, who is the client representative from Emerson, and then also we have Wayne Helge of the same firm.

DR. GONSALVES: My name is Dr. Gregory Gonsalves. I'm representing the Patent Owner. With me is the founder of the company, Mr. Petite, and he is also the inventor of the patent that is at issue in this IPR.

Also with me, who you met this morning, is Eva Gonsalves, and she will be helping me with the presentation today.

1 JUDGE WHITE: Well, again, for this matter we
2 will have 45 minutes per side. How much time would you like
3 to reserve for rebuttal?

4 MR. JACKSON: I will reserve 15 minutes.

5 JUDGE WHITE: 15 minutes.

6 MR. JACKSON: Thank you.

7 JUDGE WHITE: Do you have any questions at
8 this time or should we get started? All right. You may begin.

9 MR. JACKSON: I'm going to have to learn to
10 work to the left as opposed to the right.

11 JUDGE WHITE: We're always throwing obstacles
12 at you.

13 MR. JACKSON: So similar to this morning, I'm
14 going to start with some claim construction issues. The first
15 one has to do with the term function code. The function code
16 in the '314 -- I'm sorry, that's this morning's patent -- in the
17 '732 patent, function code is used to describe two different,
18 somewhat different concepts.

19 Function code is used to describe, well, function
20 code in one sense is used in messages that are being sent from
21 the sensors or the actuator side of the system back toward the
22 gateway. And in that case, there is an example in the patent
23 where there is a thermostat shown and there are function
24 codes in the figure associated with the thermostat device.

1 One of the function codes corresponds to the
2 temperature, for example, that the thermostat is measuring.
3 And in that situation the patent describes that the function
4 code corresponding to that particular type of data is put into
5 the message, and then presumably payload includes the value
6 corresponding to the temperature that is being measured by
7 the thermostat.

8 That message goes from the sensors back to the
9 gateway. But, importantly, the '314 patent also describes a
10 function code that is used on the opposite side of the system.
11 So it states -- and let me just go ahead and put what I believe
12 to be the relevant part here of the specification on the
13 document camera.

14 JUDGE WHITE: What column?

15 MR. JACKSON: This is column 11, lines -- what I
16 have highlighted is 51 to 54. What the specification teaches
17 is that on the gateway side of the system you can also have a
18 lookup table, and the lookup table includes on the one hand
19 the function codes and on the other side of the lookup table it
20 also includes what it describes here as a plurality of code
21 segments.

22 So when the message is received by the gateway,
23 that function code in that message can be used to correlate to
24 certain code segments that are stored in the gateway. The
25 specification states that the code segments are executed by

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