

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

- - -

AMIT AGARWAL,)	Case IPR2016-00807
)	
Petitioner,)	Patent No. 8,773,356
)	
vs.)	
)	
IMMERSION CORPORATION,)	
)	
Patent Owner.)	
- - - - -)	

TRANSCRIPT OF TELEPHONIC HEARING
FRIDAY, MAY 20, 2016
8:00 A.M.

Reported by:
TERI J. NELSON
CSR NO. 7682

1 Reporter's Transcript of Telephonic Hearing,
2 Friday, May 20, 2016, 8:00 A.M., before
3 Teri J. Nelson, CSR No. 7682, pursuant to Notice.

4

5 APPEARANCES (All Telephonic):

6

7 ADMINISTRATIVE PATENT JUDGES:

8 JUDGE MINN CHUNG

9 JUDGE MICHAEL ZECHER

10 JUDGE BEVERLY BUNTING

11

12 FOR PETITIONER PRO SE:

13 AMIT AGARWAL

14 14420 Edinburgh Moor Drive

15 Wimaumu, Florida 33598

16 310-351-6596

17

18 FOR PATENT OWNER IMMERSION CORPORATION:

19 IRELL & MANELLA LLP

20 BY: MICHAEL R. FLEMING, ESQ.

21 JOSEPH M. LIPNER, ESQ.

22 1800 Avenue of the Stars

23 Suite 900

24 Los Angeles, California 90067-4276

25 310-277-1010

1 FRIDAY, MAY 20, 2016

2 8:00 A.M.

3

4 JUDGE CHUNG: Good morning.

5 This is a conference call in case IPR2016-00807.

6 This is Judge Chung.

7 Judge Zecher and Judge Bunting are also on the
8 call.

9 Who's appearing for Patent Owner?

10 MR. FLEMING: Your Honor, it's Mike Fleming and
11 Joe Lipner.

12 JUDGE CHUNG: Oh, hello. Good morning.

13 And is Mr. Agarwal on the call?

14 MR. AGARWAL: Yes.

15 JUDGE CHUNG: I'm not sure if I said your name
16 correctly.

17 I apologize if I didn't.

18 Let's see.

19 Has Petitioner or Patent Owner arranged a court
20 reporter for today's call?

21 MR. FLEMING: Yes, Your Honor, Patent Owner has
22 arranged a court reporter, and she's on the line. Her
23 name is Teri Nelson.

24 Teri, can you speak up?

25 THE COURT REPORTER: Yes, Your Honor.

1 My name is Teri Nelson, and I'm with DTI.

2 JUDGE CHUNG: Great.

3 All right. Good morning, Ms. Nelson.

4 Mr. Fleming, will you file a transcript as
5 exhibit to this case in due -- when you -- when it's
6 ready?

7 MR. FLEMING: Yes, Your Honor.

8 JUDGE CHUNG: Okay.

9 All right. So let's get started.

10 Since Patent Owner asked for this call, let's
11 start with Patent Owner.

12 Mr. Fleming, please tell us what Patent Owner is
13 requesting and why.

14 MR. FLEMING: Yes, Your Honor.

15 If it please Your Honor, what I would like to do
16 is have Joe Lipner speak on this issue. Joe is our
17 expert on professional responsibility at our firm, and
18 also there is a motion before you on these issues and
19 that -- the Petitioner did not oppose that.

20 JUDGE CHUNG: Sure. That's fine.

21 MR. LIPNER: Very good.

22 Good morning, Your Honor.

23 This is Joseph Lipner from Irell, counsel for
24 the Patent Owner Immersion.

25 And what we're asking for is the termination of

1 the case as a function for ethical violations of
2 Mr. Agarwal as the Pro Se Petitioner.

3 And what I'd like to do is tell you the
4 background facts of this matter and then get into the
5 law, including the question that the Board asked in its
6 E-mail to us about the support for termination in these
7 circumstance.

8 So the background facts are as follows:

9 Mr. Agarwal, as I said, is the Pro Se Petitioner
10 here, and he's been up front in his -- he has an
11 investment website, and he's been an up front there and
12 in correspondence with us that the purpose of this IPR
13 that he filed is to harm Immersion by depressing its
14 stock and in order to profit by shorting Immersion stock
15 himself.

16 Now, Mr. Agarwal, though he filed as a Pro Se
17 Petitioner, is himself a licensed attorney who until very
18 recently was working at our law firm, Irell & Manella,
19 long-time counsel for Patent Owner Immersion, and while
20 he was at Irell & Manella, he indisputably received
21 privileged and confidential Immersion documents that are
22 relevant to his IPR. There are other serious ethics
23 issues that I'll touch on as we go through the facts, but
24 that is the key fact, that he actually has Immersion --
25 received, while at Immersion's law firm, confidential

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