

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

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4 H&S Manufacturing Company, )  
Inc., )  
5 )  
Petitioner, )  
6 )  
vs. ) File No. IPR2016-00950  
7 )  
Oxbo International )  
8 Corporation, )  
9 )  
Patent Owner, )  
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16 TRANSCRIPT OF PROCEEDINGS

17 The following is the TRANSCRIPT OF  
18 PROCEEDINGS, taken before Julie A. Brooks, Notary  
19 Public, Registered Professional Reporter,  
20 Telephonically, commencing at 10:00 a.m., Thursday,  
21 July 20, 2017.

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25 H&S Mfg. Co., Inc. v. Oxbo Int'l Co. IPR2016-00950

H&S Mfg. Co., Inc.  
Exhibit 1029

1 APPEARANCES:

2

Administrative Patent Judges:

3

James A. Tartal  
Phillip J. Kauffman  
Kevin W. Cherry

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5  
6 On Behalf of Petitioner:

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12 On Behalf of Patent Owner:

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1 PROCEEDINGS

2 Whereupon, the TRANSCRIPT OF PROCEEDINGS  
3 was commenced at 10:00 a.m. as follows:

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7 JUDGE TARTAL: H&S Manufacturing Company  
8 versus Oxbo International Corporation, Case  
9 IPR2016-00950.

10 I'm Judge Tartal. With me on the call  
11 today are Judges Kauffman and Cherry.

12 Can we begin with identification of  
13 counsel, please. Who do we have on the call today for  
14 Petitioner?

15 MR. PEDERSEN: Your Honor, for  
16 Petitioner, this is Brad Pedersen, and with me,  
17 listening in, is Mike Gates. We also have a court  
18 reporter, Julie Brooks, who is on the line.

19 JUDGE TARTAL: Thank you, Counsel, for  
20 letting us know that. We would ask that, at the end of  
21 the call when the transcript of the call has been  
22 completed by the court reporter, that you file that as  
23 an exhibit in the proceeding.

24 MR. PEDERSEN: We will do that, Your

25 Honor

1 JUDGE TARTAL: Thank you.

2 And who do we have today on behalf of  
3 the Patent Owner?

4 MR. BRUNNER: Good morning, Your Honor.  
5 This is Shane Brunner, for the patent owner Oxbo.

6 JUDGE TARTAL: Petitioner, I believe,  
7 requested the call, and it was in regards to  
8 authorization to submit additional exhibits related to  
9 documents from the district court proceedings, as I  
10 understand it. So we will begin by turning it over to  
11 Petitioner to address what they seek.

12 MR. PEDERSEN: Thank you, Your Honor.  
13 In this situation, we've had co-pending district court  
14 litigation that has gone along at the same time as this  
15 ITR. And as the Board is aware, several orders, a jury  
16 trial, and a decision in that case have come down since  
17 the conference call that was last held on May 23rd.

18 So the request is a simple one, to  
19 update selected portions of the court's orders and/or  
20 findings of the proceeding so that the record can  
21 reflect -- that the Board is going to be considering  
22 on, you know, a complete record.

23 If either of these two cases or if both  
24 of these cases were to go up on appeal, a strong  
25 objection would be that all of what is attempted to

1 being submitted here by way of exhibits would come in  
2 under FRAP 11 or 16 as supplementation to the record,  
3 if either of these two proceedings would make their way  
4 up the appellate process, if that were to happen.

5 So it seems prudent that the Board  
6 should allow for the entry of these new court orders or  
7 findings so they have a complete record in this regard.  
8 And this will implicate the Novartis case that I  
9 discussed but did not identify in the last call. And  
10 that case is the case that talks about the relationship  
11 between these two proceedings in terms of the effect  
12 which -- particularly, with respect to claim  
13 construction so --

14 JUDGE TARTAL: We, obviously, don't  
15 wholesale incorporate the entire file out of a district  
16 court into our proceeding, and that partly stems from  
17 the prior order expunging documents. We do this based  
18 on a consideration of each document that you're seeking  
19 to have entered as an exhibit. So if it seems  
20 reasonable to start with just a specific identification  
21 of what it is you are seeking to have added to the  
22 record in this case.

23 MR. PEDERSEN: So Petitioner would seek  
24 two documents, each, I believe, two pages long. One of  
25 them is a portion of the district court's final motion

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