

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

REACTIVE SURFACES LTD., LLP,
Petitioner,

v.

TOYOTA MOTOR CORPORATION,
Patent Owner.

Case IPR2016-01462
Patent 8,324,295 B2

Record of Oral Hearing
Held: November 1, 2017

Before CHRISTOPHER M. KAISER, JEFFREY W. ABRAHAM,
and MICHELLE N. ANKENBRAND, *Administrative Patent Judges*.

Case IPR2016-01462
Patent 8,324,295 B2

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The above-entitled matter came on for hearing on
Wednesday, November 1, 2017, commencing at 1:00 p.m., at the
U.S. Patent and Trademark Office, 600 Dulany Street,
Alexandria, Virginia.

1 PROCEEDINGS

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3 JUDGE ABRAHAM: Good afternoon. We are here for
4 the oral hearing in IPR2016-01462. I'm Judge Abraham. With
5 me here in Alexandria is Judge Ankenbrand, and with us
6 remotely from our Denver office is Judge Kaiser. This case
7 involves U.S. patent number 8,324,295, Reactive Services
8 Limited, LLP versus Toyota Motor Corp.

9 I'm going to ask in a second for appearances from
10 counsel. Because Judge Kaiser is participating remotely, I'm
11 going to ask that you come to the lectern and speak into the
12 microphone so he can hear you. So we'll start with counsel for
13 petitioner.

14 MR. SIMMONS: Good morning. David Simmons here
15 for petitioner, Reactive Services. With me is my colleague, Mark
16 Fassold.

17 JUDGE ABRAHAM: Welcome. Patent owner?

18 MR. LUKEN: Good afternoon. John Luken from
19 Dinsmore & Shohl on behalf of patent owner, Toyota Motor
20 Corp. With me is my partner, Josh Lorentz, and Oleg Khariton.

21 JUDGE ABRAHAM: Welcome. Pursuant to the order
22 that we entered on October 25, 2017, each side will have
23 30 minutes to present their argument. Petitioner, bearing the
24 burden of proof for unpatentability, will go first. You may
25 reserve time for rebuttal. Just let me know how much time you

1 would like. Once they are complete with their opening, patent
2 owner, you may proceed. You have the full 30 minutes if you
3 would like to take the time. Then petitioner, if you have any time
4 left in rebuttal, you can respond to their presentation.

5 I'm going to just emphasize again that when you are
6 speaking, please speak into the microphone so Judge Kaiser can
7 hear. If you are using slides, we have the electronic versions that
8 you submitted. Please refer to the slide number specifically. It
9 helps for the record and also so Judge Kaiser can follow along
10 because he cannot see the screen that's here, but he has the slides.
11 So if you refer to the slide number, he'll be able to follow along.

12 With that, I'll let petitioner take the lectern. And just let
13 me know, would you like to reserve time for rebuttal?

14 MR. SIMMONS: Yes, Your Honor, I would like to
15 reserve 15 minutes of rebuttal of the total 30-minute time.

16 JUDGE ABRAHAM: So I'll start the clock whenever
17 you are ready.

18 MR. SIMMONS: Good afternoon, Judges Kaiser,
19 Abraham, and Ankenbrand. I'm David Simmons here to present
20 oral arguments for petitioner, Reactive Services. And to get
21 started, I will be referring to various slides. And just so you
22 know, I will be calling them out -- I will be skipping through
23 some slides, so I will call them out accordingly.

24 So to get started today, I would like to touch upon three
25 different points of oral argument which I have here on slide

1 number 2, the first being the 5 percent UV absorber limitation,
2 the second being the emulsion limitation and the third being the
3 10 percent transmittance limitation.

4 And starting with the first one, the 5 percent UV
5 absorber limitation, moving to slide number 3, we see that the 5
6 percent UV absorber limitation has actually five independent
7 claims. The first two, independent claims 1 and 23 set forth in
8 the petition, have been asserted as being obvious over McDaniel,
9 and independent claims 5, 13 and 24 as being rejected as obvious
10 over McDaniel '853 in view of Fritzsche. And of note here, I
11 would make mention that with respect to independent claims 5,
12 13 and 24, both McDaniel '853 and Fritzsche disclose subject
13 matter that's relevant to the obviousness of the 5 percent UV
14 absorber limitation. And I'll touch on that in subsequent slides.

15 Moving to slide number 4, here I would like to discuss
16 briefly representative claims that each include the disputed
17 limitation. So looking at actually claim number 1, just for
18 discussion, pointing out that claim number 1 is directed to a
19 curable protein-polymer composition. And we see that it has a
20 polymer resin, cross-linker, bioactive enzyme, at least two UV
21 light stabilizers, one of the light stabilizers being a sterically
22 hindered amine and the second being a UV absorber.

23 And the disputed limitation in this claim as well as the
24 other four independent claims, particular to claims 1, 5, 23 and 24

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