

Telephonic Conference

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

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4 -----x
5 KINGSTON TECHNOLOGY COMPANY, INC.,

6 Petitioner,

7 v.

8 POLARIS INNOVATIONS LTD.,

9 Patent Owner.

10 Case IPR2016-01621 (Patent 6,438,057 B1)

11 Case IPR2016-01622 (Patent 6,850,414 B2)

12 Case IPR2016-01623 (Patent 7,315,454 B2)

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14
15 Telephonic conference

16 Merrick, New York

17 October 5, 2017

18 1:02 P.M.

19
20 B E F O R E:

21 SALLY C. MEDLEY, JEAN R. HOMERE and

22 MATTHEW R. CLEMENTS, Administrative Patent Judges.

23
24 Job No. 2725331

25 Pages 1 - 39

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1 A P P E A R A N C E S: (Via telephone)

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3 For the Petitioner:

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8 BY: DAVID M. HOFFMAN, Esq.

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12 For the Patent Owner:

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17 BY: KENNETH WEATHERWAX, ESQ.
18 SHAWN CHI, ESQ.
19 PARHAM HENDIFAR, ESQ.

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1 MR. WEATHERWAX: We have a court
2 reporter on the line?

3 THE COURT REPORTER: Yes.

4 MR. WEATHERWAX: Maybe we should
5 begin taking down. My name is Kenneth
6 Weatherwax, lead counsel for patent
7 owner. I may have other people on the
8 line for patent owner. If they could
9 identify themselves, please.

10 MR. CHI: This is Shawn Chi also
11 for patent owner.

12 MR. HENDIFAR: I'm Parham
13 Hendifar for patent owner.

14 MR. WEATHERWAX: And I think
15 that's everybody from my side.

16 JUDGE CLEMENTS: Okay, very
17 good.

18 Did the court reporter get the
19 appearance by petitioner's counsel?

20 THE COURT REPORTER: No.

21 MR. HOFFMAN: This is David
22 Hoffman on behalf of the petitioner.

23 JUDGE CLEMENTS: And would the
24 court reporter like me to repeat the
25 intro with the case caption and judges?

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1 THE COURT REPORTER: Yes, thank
2 you.

3 JUDGE CLEMENTS: I'll repeat it.
4 So this is Judge Clements and with me
5 on the line are Judges Medley and
6 Homere. This is a conference call for
7 IPR2016-01621, 01622 and 01623 between
8 Kingston Technology Company,
9 petitioner, and Polaris Innovations
10 Limited, patent owner. So the purpose
11 of today's call -- Actually, before I
12 get into the substance, which party
13 retained the court reporter?

14 MR. WEATHERWAX: Patent owner.

15 JUDGE CLEMENTS: Okay. So will
16 patent owner please file the transcript
17 as an exhibit whenever you get it back
18 from the court reporter.

19 MR. WEATHERWAX: We will.

20 JUDGE CLEMENTS: Very good. So
21 the purpose of today's call was
22 initially to discuss petitioner's
23 request to file a motion to strike or
24 alternatively a sur-reply to patent
25 owner's reply in support of its motion

1 to amend, and then we also have a
2 second agenda item, patent owner's
3 request for additional briefing on
4 constitutionality in light of Oil
5 States. I think those are the only two
6 things on the agenda, unless,
7 Mr. Hoffman, does the petitioner
8 anticipate a third agenda item?

9 MR. HOFFMAN: Potentially, your
10 Honor, there is one issue that actually
11 involves the pending request for
12 rehearing in 2017-00974 given the Aqua
13 Products decision yesterday. But I
14 think that will wait, part of the first
15 issue as well will come up.

16 JUDGE CLEMENTS: Okay. Mr.
17 Weatherwax, do you anticipate any other
18 agenda items?

19 MR. WEATHERWAX: I was not
20 planning to raise any other agenda
21 items. That one is news to me. I
22 didn't know whether the board, how the
23 board wanted to address the new Aqua
24 Products decision which, of course,
25 we've had a very limited time to read,

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