

1 UNITED STATES PATENT AND TRADEMARK OFFICE

2 BEFORE THE PATENT TRIAL AND APPEAL BOARD

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4 EMERSON ELECTRIC CO., :

5 Petitioner, :

6 v. : Case No.

7 SIPCO, LLC, : IPR2017-00001

8 Patent Owner. :

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11 Monday, June 19, 2017

12

13 Telephone Conference before Judge  
14 Patrick Boucher, Judge Stacey White, and Judge  
15 Robert Weinschenk in the above-entitled matter,  
16 commencing at 1:01 p.m., the proceedings taken down  
17 by Stenotype by ANGELA K. MCCULLOUGH, RPR, and  
18 transcribed under her direction.

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1 P R O C E E D I N G S

2 JUDGE BOUCHER: So for the benefit of the  
3 court reporter, when people are speaking, if they  
4 could make sure to identify who they are so that we  
5 can try and minimize any interruptions that the court  
6 reporter might -- might otherwise have to make.

7 So my understanding is that the Patent  
8 Owner requested the call. So I would ask, Mr. Weeks,  
9 for you to go ahead and let us know what we're here  
10 to discuss, please.

11 MR. WEEKS: Certainly, Your Honor. Thank  
12 you. And this is Dustin Weeks for Patent Owner.

13 The Patent Owner is asking for  
14 authorization from the Board to file a certificate of  
15 correction to correct a mistake by the Patent Office  
16 when they printed the '661 patent, which is involved  
17 in this proceeding. It's a mistake that the Patent  
18 Owner became aware of and -- and issued in a  
19 different IPR -- that's IPR2016-00984 -- that  
20 involves essentially a great grandchild application  
21 of the '661 patent.

22 And the -- the error on the -- the patent

1 is that on the -- the cover of the patent, the  
2 priority claim states that the '692 patent, which is  
3 the great -- or which is the grandparent of the  
4 '661 -- the cover says that that '692 patent is a  
5 continuation-in-part of this '517 application, which  
6 is a CIP of the '178, which is a CIP of the '554,  
7 which is a CIP of the '895. But, as is correctly  
8 indicated on the specification of the '661 patent and  
9 on the bibliographic data sheet that was submitted  
10 with that patent application, the '692 should say  
11 that it is a CIP of those four applications, not that  
12 those four applications are CIPs of each other.

13 So, you know, to correct that issue,  
14 Patent Owner simply seeks to file a certificate of  
15 correction to correct a mistake by the office when it  
16 printed the '661 patent.

17 JUDGE BOUCHER: Okay. I do have a couple  
18 of questions. Was there -- what was on the filing  
19 receipt?

20 MR. WEEKS: So on the filing receipt -- I  
21 can pull that up just shortly. As I remember,  
22 everything was correct.

1 JUDGE BOUCHER: Okay. And I guess my  
2 other question, probably the more important one, is  
3 what impact would this correction have on these  
4 proceedings?

5 MR. WEEKS: As far as Patent Owner can  
6 tell, there would have -- there would be no impact  
7 whatsoever. The priority is not an issue in this  
8 proceeding, and it's -- it's -- the priority was an  
9 issue that was raised in the other IPR, which is how  
10 we became aware of this issue. But in this  
11 particular proceeding, there is no -- should have no  
12 effect at all on the proceeding.

13 JUDGE BOUCHER: Okay. But it could impact  
14 the -- the '984 IPR; is that correct.

15 MR. WEEKS: I -- I don't see how it -- I  
16 don't think it can impact that case either because  
17 it's -- it's basically the -- the -- the '780  
18 patent -- or the '984 proceeding that -- we would  
19 need to make separate correction in that patent.  
20 Whether or not this -- this is correct, it shouldn't  
21 have any effect on the other -- any other IPR.

22 JUDGE BOUCHER: Okay. It wouldn't -- it

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