

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

TECHNICAL CONSUMER PRODUCTS, INC., NICOR INC., and AMAX  
LIGHTING,  
Petitioner,

v.

LIGHTING SCIENCE GROUP CORP.,  
Patent Owner.

---

Case IPR2017-01280 (Patent 8,967,844 B2)  
Case IPR2017-01285 (Patent 8,672,518 B2)  
Case IPR2017-01287 (Patent 8,201,968 B2)

---

Record of Oral Hearing  
Held: September 6, 2018

---

BEFORE: KEVIN F. TURNER, PATRICK M. BOUCHER, and JOHN A.  
HUDALLA, *Administrative Patent Judges*.

Case IPR2017-01280 (Patent 8,967,844 B2)  
Case IPR2017-01285 (Patent 8,672,518 B2)  
Case IPR2017-01287 (Patent 8,201,968 B2)

APPEARANCES:

ON BEHALF OF THE PETITIONER:

SAILESH K. PATEL, ESQUIRE  
JASON G. HARP, ESQUIRE  
Schiff Hardin, LLP  
233 South Wacker Drive  
Suite 6600  
Chicago, Illinois 60606

ON BEHALF OF PATENT OWNER:

ERIC D. HAYES, ESQUIRE  
KYLE M. KANTAREK, ESQUIRE  
Kirkland & Ellis, LLP  
300 North LaSalle Street  
Chicago, Illinois 60654

The above-entitled matter came on for hearing on Thursday, September 6, 2018, commencing at 1:00 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

Case IPR2017-01280 (Patent 8,967,844 B2)  
Case IPR2017-01285 (Patent 8,672,518 B2)  
Case IPR2017-01287 (Patent 8,201,968 B2)

P R O C E E D I N G S

- - - - -

JUDGE HUDALLA: Good afternoon. We are here today for oral argument in IPR2017-01280 concerning patent 8,967,844; IPR2017-01285 concerning patent 8,672,518; and IPR2017-01287 concerning patent 8,201,968. I'm Judge Hudalla, and with me I have Judges Turner and Boucher. As you can see, they are appearing remotely.

Who do we have today from the lead petitioner?

MR. PATEL: Good afternoon, Your Honors. Sal Patel for petitioners.

JUDGE HUDALLA: And from patent owner?

MR. HAYES: Good afternoon, Your Honor. Eric Hayes from Kirkland & Ellis on behalf of patent owner, Lighting Science Group. And I have with me my colleague Kyle Kantarek.

JUDGE TURNER: Judge Hudalla, I don't think your mic is on.

JUDGE HUDALLA: Can you hear me now?

JUDGE TURNER: Thank you. Much better.

JUDGE HUDALLA: Sorry about that. I wanted to state for the record also we have a telephone link today through which the joined petitioners, Jiawei and Leedarson, are joining us. I'm told that we cannot hear them, but I wanted to make a note for the record that they should be on the line per our order of, let me get the right date here, July 18th.

Case IPR2017-01280 (Patent 8,967,844 B2)

Case IPR2017-01285 (Patent 8,672,518 B2)

Case IPR2017-01287 (Patent 8,201,968 B2)

1           Okay. So based on our original trial order, each party is going to  
2 have one hour to argue all three cases together. Petitioner will argue first  
3 and they can reserve rebuttal time. Patent owner may not reserve rebuttal  
4 time. Petitioner bears the burden, of course, of proving any proposition of  
5 unpatentability by a preponderance of the evidence. And I will remind you  
6 that this hearing is open to the public and a full transcript of the hearing will  
7 become part of the record.

8           As I mentioned, Judges Turner and Boucher are joining us  
9 remotely. So it's going to be very important for you today to mention where  
10 you are, and if you are pointing to something in the record, please mention  
11 to them or whatever slide number you are on, please mention it to them so  
12 they can follow along.

13           I think that's all I have. So Mr. Patel, do you want to go ahead and  
14 start, and then would you like to reserve rebuttal time?

15           MR. PATEL: Yes, Your Honor. I would like to reserve  
16 20 minutes for rebuttal.

17           JUDGE HUDALLA: You may start at any time.

18           MR. PATEL: Good afternoon. May it please the Court, there are  
19 only three issues that remain in dispute in these IPRs involving LSG's  
20 patents. Before I go into those disputed issues, I would like to spend some  
21 time discussing the state of the art at the time of the alleged invention.

22           First, if we go to slide 2, these are LSG's patents. There's the '968  
23 patent which discloses an LED luminaire that can be fit in cans or junction

Case IPR2017-01280 (Patent 8,967,844 B2)

Case IPR2017-01285 (Patent 8,672,518 B2)

Case IPR2017-01287 (Patent 8,201,968 B2)

1 boxes. The '844 and '518 patents are continuations in part that add an  
2 accessory kit or adapter means such that it can be installed in either  
3 nominally-sized cans or junction boxes.

4 In this slide, this is slide 3, we've listed the various components  
5 and parts that are present in LSG's patents, the elements. Notably, all of  
6 these elements are basic components of an LED lighting fixture and they  
7 were all known in the prior art. LSG's patents do not add anything new, a  
8 new driver, a new LED. They claim an obvious configuration of these parts  
9 that were well known in the art. And these parts, as you can see, include  
10 basic things like optics, LED, light source, a heat spreader, a heat sink, even  
11 things like twist-on wire connectors, trim rings, things that were well known  
12 in the art.

13 The earliest priority date of the LSG patents is October 5, 2009.  
14 Notably here, LSG has not claimed an earlier conception date. So let's take  
15 a look at the state of the art in 2009. We are now at slide 6. LEDs and  
16 luminaires were well known in the art by 2009. There's a plethora of prior  
17 art that discloses LED light fixtures, including low-profile lighting fixtures  
18 such as Soderman, Silescent and Roberge. There are also others that can be  
19 used in can-type configurations. And Wegner is a prior art reference that  
20 disclosed an adapter that could be used in an Edison-based receptacle or  
21 connected to wires in a junction box and explicitly teaches how to do it.

22 Moreover, the prior art disclosed the desirability of installing LED  
23 lighting fixtures in both new construction and retrofit applications. Here we

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.