

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

3

4 VIZIO, INC., )  
 )  
 )  
 ) Petitioner, ) Case Nos.  
5 ) IPR2018-00386  
 ) IPR2018-00437  
6 vs. )  
 )  
7 NICHIA CORPORATION, ) Patent Nos.  
 ) 9,490,411 B2  
 ) 9,537,071 B2  
8 Patent Owner. )  
9 ----- )

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12 PTAB CONFERENCE CALL  
13 Monday, February 4, 2019  
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23 Reported by:  
24 Stacey L. Daywalt  
25 JOB NO. 155291

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Monday, February 4, 2019  
1:00 p.m.

PTAB Conference Call, held before  
Administrative Patent Judges Nathan A. Engels,  
Sally C. Medley and William V. Saindon, before  
Stacey L. Daywalt, a Court Reporter and Notary  
Public of the District of Columbia.

1 A P P E A R A N C E S:

2 (All appearances are telephonic)

3

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1 PTAB Conference Call

2 ADMINISTRATIVE PATENT JUDGE: Good  
3 afternoon.

4 This is Judge Nathan Engels. With  
5 me on the line are Judge Saindon and Judge  
6 Medley.

7 We are here to discuss IPR2018-00386  
8 and IPR2018-00437.

9 Who do we have on the line for the  
10 parties?

11 MR. ZOLTIG: Good morning, Your  
12 Honors.

13 It's Marty Zoltig and Michael Jones  
14 for Patent Owner Nichia.

15 MS. HIGGINS: Good afternoon, Your  
16 Honor.

17 This is Gabrielle Higgins and  
18 Christopher Bonny on the line on behalf of the  
19 Petitioner, VIZIO.

20 ADMINISTRATIVE PATENT JUDGE: Do we  
21 have a court reporter on the line?

22 MS. HIGGINS: Yes, Your Honor.  
23 Court reporter, are you there?

24 THE REPORTER: I am.

25 Sorry. I was on mute.

1 PTAB Conference Call

2 ADMINISTRATIVE PATENT JUDGE: Okay.

3 I understand we are here to discuss  
4 Petitioner's request for a sur-sur-reply?

5 MS. HIGGINS: Yes, Your Honor.

6 ADMINISTRATIVE PATENT JUDGE: If  
7 you'd like to begin and explain your position.

8 MS. HIGGINS: Sure, Your Honor.

9 And let me start with -- so in the  
10 board's last order of -- in IPR2018-386,  
11 Paper 31, this is at Pages 3-4, and also in the  
12 order in the 437 proceeding, Paper 43 at  
13 Pages 3-4, the board indicated that if the  
14 Petitioner can establish that the content of  
15 the sur-replies creates adequate cause for  
16 sur-sur-reply, Petitioner can again request  
17 authorization to file a sur-sur-reply.

18 Petitioner believes there is  
19 adequate cause for sur-sur-replies because  
20 Patent Owner's sur-replies contain new  
21 arguments and evidence regarding claim  
22 construction.

23 First, let me turn to Patent Owner's  
24 sur-reply in the 386 proceeding. That is  
25 Paper 28. And our position there is that

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