

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

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

4 ROPES & GRAY

5 Attorneys for Petitioner

6 1900 University Avenue

7 East Palo Alto, California 94303

8 BY: GABRIELLE HIGGINS, ESQ.

9 CHRISTOPHER BONNY, ESQ.

10

11 ROTHWELL FIGG

12 Attorneys for Patent Owner

13 607 14th Street, NW

14 Washington, DC 20005

15 BY: MICHAEL JONES, ESQ.

16 MARTIN ZOLTICK, ESQ.

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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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