

1 PTAB CONFERENCE CALL - 11/6/18

2 UNITED STATES PATENT AND TRADEMARK OFFICE

3 BEFORE THE PATENT TRIAL AND APPEAL BOARD

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6 EXOCAD GMBH AND EXOCAD )

7 AMERICA, INC., )

8 Petitioner, )

9 ) Case No.

10 vs. ) IPR2018-00788

11 3SHAPE A/S, )

12 Patent Owner. ) Patent No.

13 \_\_\_\_\_ ) 9,336,336 B2

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16 PTAB CONFERENCE CALL

17 November 6, 2018

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24 REPORTED BY: CARRIE LAMONTAGNE, CSR No. 13393

25 JOB NO: 150769

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November 6, 2018

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3:30 p.m.

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PTAB conference call, held before

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Administrative Patent Judges Irvin E. Branch and

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Frances L. Ippolito, before Carrie LaMontagne, a

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certified shorthand reporter for the state of

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California.

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2 JUDGE BRANCH: Hello, this is Judge Branch  
3 in IPR 2018-00788. Can I be heard?

4 MR. LOWRIE: Yes, your Honor. This is  
5 Matt Lowrie and Kevin Littman on behalf of the  
6 petitioner. And also on the line is a court  
7 reporter.

8 JUDGE BRANCH: Very good. And for patent  
9 owner.

10 MR. WALTERS: Yes, your Honor. This is  
11 Todd Walters. I have my colleague Roger Lee on the  
12 phone for 3Shape, patent owner.

13 JUDGE BRANCH: Very good. And I  
14 understand we have a court reporter. So please  
15 identify yourself before speaking so that the court  
16 reporter can accurately collect who is saying what  
17 and when. And I'm also going to ask the court  
18 reporter, please, to put a transcript of this  
19 proceeding into the record as soon as it's  
20 available.

21 Okay. I have with me Judge Ippolito. Judge  
22 Ippolito, if you want to identify yourself, please.

23 JUDGE IPPOLITO: I'm here. Thank you.

24 JUDGE BRANCH: Okay. Let's see,  
25 petitioner, you asked -- or let's see, it's

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2 Mr. Lowrie, right, or Lowrey. Please say that one  
3 more time for me.

4 MR. LOWRIE: Lowrie, your Honor.

5 JUDGE BRANCH: Okay. Will you be speaking  
6 for petitioner?

7 MR. LOWRIE: Yes.

8 JUDGE BRANCH: Okay. If you would please,  
9 Mr. Lowrie, let us know why we're here.

10 MR. LOWRIE: Thank you. This is  
11 Matt Lowrie. So we are looking to file a motion for  
12 leave to provide supplemental information on three  
13 things. And it's a little unusual, and I'll explain  
14 why for the first two.

15 So the first one, in the patent owner's  
16 preliminary response they argued that we hadn't  
17 adequately proved publication of a German reference.  
18 It has a publication date on the reference. It has  
19 indicia of reliability, but -- they made that  
20 argument. The board didn't accept it, at least at  
21 the preliminary stage.

22 They have not filed objections to evidence; but  
23 nevertheless, if they intend to -- if they're not  
24 waiving that argument, then we would like to  
25 supplement the information of record to include

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