

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RIMFROST AS,
Petitioner,

v.

AKER BIOMARINE ANTARCTIC AS,
Patent Owner.

Case IPR2018-01178
Case IRP2018-01179
Patent 9,375,453 B2

Record of Oral Hearing
Held: October 16, 2019

Before ERICA A. FRANKLIN, TINA E. HULSE, and
JOHN E. SCHNEIDER, *Administrative Patent Judges.*

Case IPR2018-01178
Case IRP2018-01179
Patent 9,375,453 B2

APPEARANCES:

ON BEHALF OF PETITIONER:

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ON BEHALF OF THE PATENT OWNER:

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The above-entitled matter came on for hearing on Wednesday, October 16, 2019, commencing at 9:57 a.m., at the Silicon Valley USPTO Hearing Room at 26 South Fourth Street, San Jose, California 95113.

1 (Proceedings begin at 9:57 a.m.)

2 THE CLERK: All rise.

3 JUDGE HULSE: Please be seated. Great.

4 Good morning, everyone. I'm Judge Hulse. Appearing
5 remotely are Judge Schneider on the left and Judge Franklin on
6 the right. We are here for the final hearing in IPR2018-01178 and
7 IPR2018-01179.

8 Let's begin with appearances, please, starting with
9 Petitioner, Rimfrost.

10 MR. HARRINGTON: Yes. James Harrington on behalf of
11 the Petitioner, Rimfrost AS.

12 MR. CHAKANSKY: Michael Chakansky on behalf of the
13 Petitioner, Rimfrost AS.

14 JUDGE HULSE: Thank you. Welcome.

15 And Patent Owner?

16 MR. JONES: Mitchell Jones on behalf of Patent
17 Owner, Aker Biomarine Antarctic AS.

18 JUDGE HULSE: Great. Can you all hear me okay,
19 Judges?

20 JUDGE SCHNEIDER: We can now.

21 JUDGE HULSE: Sorry.

22 JUDGE SCHNEIDER: We missed the very beginning.

23 JUDGE HULSE: Yeah. I just realized that I didn't
24 have my microphone on. Apologies.

1 Okay. Now, before we begin, Petitioner, I just
2 wanted to confirm with you that you do not have demonstrative
3 slides for today's hearing; is that correct?

4 MR. CHAKANSKY: No, we do.

5 MR. HARRINGTON: We do.

6 JUDGE HULSE: You do?

7 MR. HARRINGTON: Yes.

8 JUDGE HULSE: And did you email those to the Trials?

9 MR. HARRINGTON: Yes.

10 JUDGE HULSE: Because we did not receive them.

11 MR. HARRINGTON: They were emailed.

12 JUDGE HULSE: Did you receive them seven days prior?

13 MR. JONES: Yes, we exchanged slides.

14 JUDGE HULSE: Okay.

15 MR. JONES: And I think I was also -- sorry. We
16 exchanged slides, and I believe I was also copied on Friday on
17 their submission to PTAB trials.

18 JUDGE HULSE: Okay. I was afraid that might be the
19 case.

20 So we did not receive them. We double checked with
21 our paralegal today. Perhaps the email address was
22 incorrectly typed?

23 MR. HARRINGTON: No.

24 JUDGE HULSE: No?

25 MR. HARRINGTON: It's automatic, no.

26 JUDGE HULSE: Hmm.

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1 MR. HARRINGTON: And I sense -- well, I can't -- I
2 don't have any --

3 JUDGE HULSE: Okay. Well, let's see.

4 So, Patent Owner, do you object if we just adjourned
5 shortly and had the Petitioner email the slides again to
6 Trials and try and get this thing settled?

7 MR. JONES: Yeah, no objection.

8 JUDGE HULSE: Great. Thank you.

9 MR. HARRINGTON: Maybe the IT person can help me get
10 into wireless?

11 JUDGE HULSE: Sure.

12 MR. CHAKANSKY: So I can just email it?

13 JUDGE HULSE: Oh, sure.

14 Is that possible?

15 IT TECHNICIAN: Yeah.

16 JUDGE HULSE: Okay.

17 THE COURT REPORTER: Judge, are we off the record?

18 JUDGE HULSE: Yes. We can go off the record for a
19 little bit.

20 (Off the record.)

21 JUDGE HULSE: Can we go back on the record, please?

22 Thank you.

23 Okay. Looks like you all have your slides now.

24 As we stated in our hearing order, each party has 60
25 minutes of argument time. We'll start with Petitioner and
26 arguments with respect to the grounds on which we instituted

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