

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LKQ CORPORATION and
KEYSTONE AUTOMOTIVE INDUSTRIES, INC.
Petitioner,

v.

GM GLOBAL TECHNOLOGY OPERATIONS LLC,
Patent Owner.

IPR2020-00534
Patent D797,625 S

Record of Oral Hearing
Held: April 27, 2021

Before GRACE KARAFFA OBERMANN, SCOTT A. DANIELS, and
CHRISTOPHER G. PAULRAJ, *Administrative Patent Judges*.

IPR2020-00534
Patent D797,625 S

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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The above-entitled matter came on for hearing on Tuesday, April 27, 2021, commencing at 1:00 p.m. EDT, via Videoconference.

PROCEEDINGS

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(1:02 p.m.)

JUDGE DANIELS: Good afternoon, everyone. This is our final oral hearing in IPR 2020-00534. Patent No. 7 -- Design Patent 797625. The case is between Petitioner, LKQ Corporation and Patent Owner is General Motors -- We'll refer to GM usually.

Just a few administrative matters before we begin. I'm Judge Daniels. Also the panel consists of -- here with us today are Judges Paulraj and Judge Obermann. We have a court reporter of course on with us. And I've already told him that if we were to lose anyone or him, that we will take a quick break and get everybody back if something happens. But I think most of the technology is pretty consistent now, so we shouldn't have any problems.

We don't have a timer like we do in the hearing rooms in Alexandria, so I will keep time. And Judge Obermann's going to back me up on the time. It doesn't hurt to have -- It doesn't hurt for Counsel -- for you all to keep track of your time either. So if you hear my phone go off, it's because I'll have it on for your timer.

And by the way, I know we asked for -- the parties asked for disparate times to present today, so we sort of met in the middle with 60 minutes. If we're having a good discussion and we're learning a lot, you know, we can always -- we can always add some time if it's necessary. But I think that 60 minutes per side will be a good place to start. We also have a public audio line open, so members of the public with an interest in this proceeding are listening. We're not aware of any confidential subject

1 matter. So Counsel, if there is some or something that is confidential
2 obviously we need to know and just tell us.

3 So with all that, let's sort of get started here. Can I get the parties
4 appearances and who's going to do the speaking for Petitioner first?

5 MR. IRWIN: Yes, Your Honor. This is Barry Irwin of Irwin IP.
6 And I'll be doing the speaking for LKQ. With me in the room is Ifti Zaim
7 and Andy Himebaugh, but I don't expect them to be speaking.

8 JUDGE DANIELS: Okay. Thank you, Mr. Irwin and good
9 afternoon. And for Patent Owner -- for GM.

10 MR. HERRIGES: Good afternoon, Your Honor. Can you hear
11 me?

12 JUDGE DANIELS: I can.

13 MR. HERRIGES: This is Joe Herriges. Mr. Irwin -- I couldn't
14 hear Mr. Irwin when he was speaking.

15 JUDGE DANIELS: Okay.

16 MR. HERRIGES: Could Your Honors hear me?
17 Could Your Honors hear me?

18 JUDGE OBERMANN: I could hear, yes. This is Grace
19 Obermann.

20 MR. HERRIGES: I apologize here. Let me see if I can switch
21 something on.

22 MALE PARTICIPANT: Mr. Irwin, would you mind speaking
23 again?

24 MR. IRWIN: Hi, Joe. How you doing? Joe, can you hear me?
25 (off record comments)

1 MR. HERRIGES: My apologies. Joe Herriges speaking on
2 behalf of General Motors. I will be doing the argument today with my
3 partner, Craig Deutch.

4 MR. IRWIN: Okay. I've lost the -- I've lost the video feed of --
5 There we go. I see video feed for -- I have two Joes. And otherwise, I
6 have the video feed I think I need.

7 JUDGE DANIELS: I think oftentimes, you all -- Counsel will
8 sometimes lose -- If someone's not speaking, we may -- you may sometimes
9 not see their video. But the most critical part is the audio of course. So
10 thank you, Alan. Alright, it looks like we're all set Let me just get
11 through a couple other matters. So please mute if you're not speaking.
12 And also please try to describe for Counsel -- Please try to describe any of
13 the demonstratives you're referring to so it's clear on the record what exactly
14 we're talking about. And mention the demonstrative numbers or the slide
15 number, whichever you're referring to.

16 So you each have 60 minutes. You can divide it up however you
17 like. If anyone needs to take a break in-between, we can or we can go right
18 through. That goes for Judges or for Counsel. We can always take a
19 quick five to ten minute break. At this point, I'll assume we can go straight
20 through.

21 So let's see, Petitioner has the burden and goes first. You can
22 reserve any time for rebuttal you want. Patent Owner, Mr. Herriges, you
23 will be able to go second. After Petitioner has some rebuttal time, you can
24 also present some sur-rebuttal briefly if you'd like. I'll give you a warning
25 if Grace will help -- Judge Obermann will give us a warning when we get
26 within a couple of minutes of the end of your time. So other than that, Mr.

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