1   Hearing

2   UNITED STATES PATENT AND TRADEMARK OFFICE

3   BEFORE THE PATENT TRIAL AND APPEAL BOARD

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5   BAYERISCHE MOTOREN WERKE AKTIENGESELLSCHAFT &

6   BMW OF NORTH AMERICA, LLC,

7   Petitioner

8   vs

9   PAICE LLC & THE ABELL FOUNDATION, INC.

10   Patent Owner.

11   --

12   CASE IPR2020-00994

13   Patent 7,104,347

14   --

15   TELEPHONIC HEARING

16   ** REVISED **

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24   REPORTED BY: Ronda J. Thomas, RPR, CRR

25   Job No. 184779

1   Hearing

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6   Wednesday, September 30, 2020

7   4:00 p.m.

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9   A telephonic hearing was held in the

10   above-titled matter before the Patent Trial and

11   Appeal Board.

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1   Hearing

2   APPEARANCES:

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4   PATENT TRIAL AND APPEAL BOARD:

5   The Honorable Arthur Peslak

6   The Honorable Kal Deshpande

7   The Honorable Sally Medley

8

9   ON BEHALF OF PETITIONER:

10   VINCENT GALLUZZO, ESQUIRE

11   JEFFREY SANOK, ESQUIRE

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13   ON BEHALF OF PATENT OWNER:

14   BRIAN LIVENDALEN, ESQUIRE

15   GRANT RICE, ESQUIRE

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1   Hearing

2   P R O C E E D I N G S

3   JUDGE PESLAK: This is the Patent

4 Trial and Appeal Board. This is

5 IPR2020-00914. I'm Judge Peslak. On the

6 phone with me are Judge Medley and Judge

7 Deshpande.

8   Who's on the call for petitioner?

9   MR. GALLUZZO: Your Honor, this is

10 Vince Galluzzo, backup counsel for

11 Petitioners. And also on the line with me is

12 lead counsel Jeff Sanok.

13   JUDGE PESLAK: Good afternoon,

14 counsel.

15   Who's on the line for Patent Owner?

16   MR. LIVEDALEN: Good afternoon, this

17 is Brian Livedalen from Fish & Richardson and

18 along with me is Tim Rice also from Fish &

19 Richardson.

20   JUDGE PESLAK: This was called because

21 Petitioner is requesting to file a five-page

22 reply to address 314(a) arguments raised by

23 the Patent Owner in the preliminary response.

24 We understand that at Patent Owner opposes

25 the request.

1   Hearing

2   Petitioner, without getting into the

3   merits of the 314(a) arguments, can you tell

4   us why you need to file a reply?

5   MR. GALLUZZO: Yes, Your Honor. Thank

6   you for the opportunity for the call today.

7   Petitioners do request the Board's

8   permission to submit a short reply to the

9   preliminary response on the narrow issues of

10 discretionary denial under 314(a).

11   I think just one correction, Your

12 Honor. Our request did not specify a number

13 of pages. Petitioner had stated that five

14 pages would be appropriate if the Board

15 requested. To be clear, we're asking for

16 seven pages if the Board would grant it. I

17 just wanted to make that clear up front.

18   But a reply is appropriate here for

19 several reasons, but the first is that the

20 preliminary response argues discretionary

21 denial because of the complex history of

22 eight previous IPR petitions on the '347

23 patent. These were all filed sometime

24 between 2014 and 2016. Five of them were

25 instituted, three of them never reached an

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