

1 Proceedings:

2 Yita LLC v. MacNeil IP LLC, IPR2020-01138 (P.T.A.B.)

3 (U.S. Patent No. 8,382,186)

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5 Yita LLC v. MacNeil IP LLC, IPR2020-01139 (P.T.A.B.)

6 (U.S. Patent No. 8,382,186)

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8 Yita LLC v. MacNeil IP LLC, IPR2020-01140 (P.T.A.B.)

9 (U.S. Patent No. 8,833,834)

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11 Yita LLC v. MacNeil IP LLC, IPR2020-01142 (P.T.A.B.)

12 (U.S. Patent No. 8,833,834)

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14 Held on Friday, November 13, 2020

15 2:00 p.m.

16

17 BEFORE:

18 Judges: Mitchell G. Weatherly; Michael L. Woods;

19 Arthur M. Peslak

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Yita EX1037  
Yita v. MacNeil  
IPR2020-01138

1                   A P P E A R A N C E S

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(Time noted: 2:03 p.m.)

ADMINISTRATIVE PATENT JUDGE WOODS: Good afternoon. This is APJ Michael Woods and with me on the calls are APJs Weatherly and Peslak.

We are here to discuss inter-party reviews 2020-01138-01139-01140-01142.

Will the representatives for the parties please introduce themselves beginning with the patent owner. And please indicate whether you've provided a court reporter for this call.

MR. WALTERS: Good afternoon, Your Honor. This is Chad Walters for patent owner and also on the call are my colleagues David Wille and Clarke Stavinoha.

We have not engaged a court reporter for this call.

ADMINISTRATIVE PATENT JUDGE WOODS: Thank you, Mr. Walters.

MR. FITZSIMMONS: Good afternoon, Your Honor. This is Jason Fitzsimmons on behalf of petitioner, Yita LLC, with the Sterne, Kessler, Goldstein, and Fox and I'm joined by lead counsel, Mark Walters from Lowe, Graham, Jones and also Ralph W. Powers III Sterne Kessler who is first backup counsel.

1           Your Honor we have arranged for a court  
2           reporter to be on the call. She is on the call  
3           and we will a file a transcript as an exhibit  
4           in each of the proceedings once that's  
5           finalized.

6           ADMINISTRATIVE PATENT JUDGE WOODS:

7           Perfect. Thank you, Mr. Fitzsimmons.

8           We understand that petitioner would like  
9           to file a reply to patent owners' preliminary  
10          response in each of these four proceedings to  
11          address, in part, alleged inaccurate statements  
12          by the patent owner.

13          We also understand that the patent owner  
14          opposes petitioner's request for additional  
15          briefing.

16          Mr. Fitzsimmons, will you please explain  
17          your position as to why we should grant your  
18          request for additional briefing including how  
19          many pages you're requesting and when you would  
20          be able to file any such reply.

21          MR. FITZSIMMONS: Yes, thank you, Your  
22          Honor.

23          Just, for reference, again, as you  
24          mentioned, there are four IPRs that are the  
25          subject of today's call; IPR2020-01138, 1139,

1 which relate to U.S. Patent 8,382,186; there's  
2 also IPR 2020-1140 and 1142 which relate to  
3 U.S. Patent No. 8,833,834.

4 But as it relates to the matters that  
5 we'll discuss today, Your Honors, we're  
6 actually going to be talking about those in  
7 different pairings. The -1138 and 1140 are a  
8 pair and those are both based on the MacNeil  
9 ground that involves the priority dispute here  
10 based on lack of written description.

11 And the second pair is the 1139 and 1142  
12 IPRs that are both based on the Rabbe grounds  
13 and involves a 325 D issue for everyone's  
14 reference.

15 So, Your Honor, as a brief summary,  
16 petitioner seeks 5-page replies in these  
17 matters which could be filed within 5 business  
18 days of an order granting to the patent owner  
19 preliminary responses to answer your first  
20 questions.

21 ADMINISTRATIVE PATENT JUDGE WOODS: Thank  
22 you, Mr. Fitzsimmons.

23 Mr. Chad Walters, will you please explain  
24 your opposition to petitioners' request,  
25 including whether you wish to file a surreply

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