

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

YITA, LLC,
Petitioner,

v.

MACNEIL IP LLC,
Patent Owner.

IPR2020-01139 (Patent 8,382,186 B2)
IPR2020-01142 (Patent 8,833,834 B2)

Record of Oral Hearing
Held Virtually: Tuesday, October 12, 2021

Before MITCHELL G. WEATHERLY, JAMES A. WORTH,
MICHAEL L. WOODS, and ARTHUR M. PESLAK,
Administrative Patent Judges.

IPR2020-01139 (Patent 8,382,186 B2)
IPR2020-01142 (Patent 8,833,834 B2)

APPEARANCES:

ON BEHALF OF THE PETITIONER:

MARK WALTERS, ESQUIRE
LOWE GRAHAM JONES, PLLC
701 5th Ave Suite 3420
Seattle, Washington 98104

AND

JASON A. FITZSIMMONS, ESQUIRE
STEPHEN A. MERRILL, ESQUIRE
R. WILSON POWERS, III, PhD., ESQUIRE
STERNE KESSLER GOLDSTEIN & FOX PLLC
1100 New York Ave NW, Suite 600
Washington, D.C. 20005

ON BEHALF OF THE PATENT OWNER:

DAVID G. WILLE, ESQUIRE
CLARKE STAVINOHAN, ESQUIRE
CHAD C. WALTERS, ESQUIRE
BAKER BOTTS LLP
2001 Ross Avenue, Suite 900
Dallas, Texas 75201-2980

The above-entitled matter came on for hearing on Tuesday, October 12, 2021, commencing at 1:01 p.m. EST, by video/by telephone.

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IPR2020-01142 (Patent 8,833,834 B2)

PROCEEDINGS

(Proceedings begin at 1:01 p.m.)

JUDGE WOODS: Good afternoon, and welcome to the Patent Trial & Appeal Board.

Today's hearing is for *inter partes* review Nos. IPR2020-01139 and IPR2020-01142 between petitioner, Yita LLC, and patent owner, MacNeil IP LLC.

The challenged patents are U.S. Patent Nos. 8,832,186 and 8,833,834.

I am APJ Michael Woods, and with me today are APJs Arthur Peslak, James Worth, and Mitch Weatherly.

Moving on to counsel appearances.

Will petitioner's counsel please state your appearance, and please spell the names for our court reporter.

MR. WALTERS: Good afternoon, Your Honor.

Mark Walters, lead counsel for the petitioner, Yita LLC.

With me is Jason Fitzsimmons, of Sterne Kessler, and Steve Merrill, of Sterne Kessler.

My last name is spelled W-a-l-t-e-r-s, and Mr. Fitzsimmons is F-i-t-z-s-i-m-m-o-n-s. Mr. Merrill's last name is M-e-r-r-i-l-l.

And Mr. Fitzsimmons and Mr. Merrill will handle the argument today for the petitioner.

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JUDGE WOODS: All right. Thank you, Mr. Walters.

And for patent owner, will patent owner's counsel please state your appearance and also provide spelling for our court reporter.

MR. WILLE: Thank you, Your Honor.

This is David Wille with Baker Botts for the patent owner.

With me in the room are Chad Walters and Clark Stavinoha.

My last name is spelled W-i-l-l-e. Mr. Stavinoha's last name is spelled S-t-a-v-i-n-o-h-a.

And also, with us on the phone should be Mr. Jeff Perkins and Mr. Tim Schaum, S-c-h-a-u-m.

I will be arguing the petitions for the patent owner. Mr. Stavinoha will be arguing the motion to strike. When we transition between us, basically, I'm going to get up and he's going to come and sit where I am, so --

JUDGE WOODS: All right. Thank you, Mr. Wille.

So as set forth in our hearing order, each party has a total of 60 minutes to present their arguments.

As you know, petitioner bears the burden of persuasion with respect to the petition and will proceed first. Petitioner may also reserve some of its time for rebuttal if they would like. Patent owner may also reserve time for surrebuttal if it would like.

I'll set my watch to indicate when the requested

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time has expired. I ask that each party also keep track of time so that we can stay on the schedule.

Also, I understand that patent owner filed an opposed motion to strike and the parties have filed unopposed motions to seal. The parties may also use their time to address these motions if they would like.

As for ground rules and clarity of record, and for the benefit of everyone, please identify your name prior to speaking, and identify early and often the current slide number for demonstrative exhibits. This helps our court reporter as well as those listening.

Also, as I also believe the parties understand, the hearing is open to the public and we may have members of the public listening in today, so please do not discuss any confidential information, including information filed under seal.

Counsel may object if he believes that opposing counsel is about to discuss confidential information. Otherwise, counsel is directed not to interrupt the other side to make objections.

Mr. Walters, do you wish to reserve any of your -- any portion of your 60 minutes for rebuttal?

MR. FITZSIMMONS: Your Honor, this is Jason Fitzsimmons on behalf of the petitioner.

We'd like to reserve 20 minutes for rebuttal, please.

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