

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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CHANEL, INC.,  
Petitioner,

v.

MOLO DESIGN, LTD.,  
Patent Owner

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IPR2022-00543 (Patent 7,866,366 B2)  
IPR2022-00544 (Patent 8,561,666 B2)  
IPR2022-00545 (Patent 9,689,161 B2)  
IPR2022-00546 (Patent 9,797,134 B2)

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Record of Oral Hearing  
Held: June 8, 2023

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Before KEN B. BARRETT, CARL M. DeFRANCO, and  
RICHARD H. MARSCHALL, *Administrative Patent Judges*.

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IPR2022-00544 (Patent 8,561,666 B2)  
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APPEARANCES:

ON BEHALF OF THE PETITIONER:

JEFF GODFREY, ESQUIRE  
SHANNON BJORKLUND, ESQUIRE  
GINA CORNELIO, ESQUIRE  
Dorsey & Whitney LLP

ON BEHALF OF THE PATENT OWNER:

MIKE CHIBIB, ESQUIRE  
Bracewell LLP

The above-entitled matter came on for hearing on June 8, 2023,  
commencing at 9:41 a.m., via video teleconference.

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

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3 JUDGE MARSCHALL: Good afternoon, everyone. This is the  
4 hearing in IPR 2022-00543, -00544, -00545, and -00546, between Petitioner  
5 Chanel, Inc., and Patent Owner Molo Design, Ltd. We're reviewing four of  
6 Molo Design's patents in these proceedings. I'm Judge Marschall. With me  
7 via video are Judges Barrett and DeFranco. Let's start with the parties'  
8 appearances, please, and let's start with Petitioner.

9 MR. GODFREY: Good afternoon, Your Honors. Jeff Godfrey  
10 with Dorsey & Whitney, representing Petitioner Chanel, Inc. With me today  
11 are my colleagues Shannon Bjorklund and Gina Cornelio.

12 JUDGE MARSCHALL: Thank you. And for Patent Owner?

13 MR. CHIBIB: Good afternoon, Your Honors. Mike Chibib of  
14 Bracewell on behalf of Patent Owner Molo Design.

15 JUDGE MARSCHALL: And is anybody else with you today?

16 MR. CHIBIB: Not that I'm aware of. I think the client is on the  
17 public line. But other than that, I'm not aware of anyone.

18 JUDGE MARSCHALL: All right. Thank you and welcome. As  
19 you know from our hearing order, each party will have a total of 60 minutes  
20 of total time to present arguments, and a portion of that time may be  
21 reserved for rebuttal. This hearing is taking place via videoconference. And  
22 during your presentation, please refer to exhibit or slide numbers to aid us in  
23 following along and to make the transcript clearer. Please do not interrupt

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1 the other party's presentation. You may object only during your argument  
2 time or following the rebuttal. Please be aware that we have provided a  
3 public access line for the public to watch this hearing. Petitioner, you will  
4 start. And before you get going, would you like to reserve any time for  
5 rebuttal?

6 MR. GODFREY: Yes, Your Honor. We'd like to reserve 20  
7 minutes for rebuttal.

8 JUDGE MARSCHALL: Okay. I will endeavor to give you a  
9 warning at, you know, the 5-to-10-minute mark, but I encourage you to keep  
10 time on your end so that people in the room can give you a warning as well.  
11 With that, you can begin when ready. And Patent Owner, just so you know,  
12 you can step down as you're about to do and mute your mic. That would be  
13 great. Thank you.

14 MR. CHIBIB: Thank you, Your Honor.

15 MR. GODFREY: Thank you, Your Honor. For the argument  
16 today, I'm going to start by addressing the '366 patent. My colleague, Ms.  
17 Bjorklund, will then address the other three patents. And then, I will address  
18 objective indicia of non-obviousness for all of the patents.

19 I'm turning to Slide 2 now, starting with the '366 patent. There are  
20 three grounds of unpatentability, all obviousness. And I will focus on  
21 Ground 1, our strongest ground. Time permitting, I will then address  
22 Ground 2, and we will rely on our briefing for Ground 3.

23 Turning to Slide 3. In this IPR, the key issues concern the prior art  
24 disclosure of Elements B and C of Independent Claim 1, supports that are

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1 self-supporting and foldable into a tubular configuration, and fasteners.  
2 Neither party proposed a construction for any claim term, and there are no  
3 disputes unique to the dependent claims in this patent.

4 Turning to Slide 4. For Ground 1, the primary reference is  
5 SoftHousing I, a webpage describing MacAllen and Forsythe's submission to  
6 the 2003 Design Beyond East and West competition, or DBEW. The web  
7 page includes a written description of SoftHousing plus the images  
8 MacAllen and Forsythe submitted to the competition. Molo admits the web  
9 page is 102(b) prior art, but disputes whether one could view large images of  
10 SoftHousing on the web page. There is extensive evidence showing the  
11 large images of SoftHousing were accessible by clicking on the thumbnail  
12 images on the top of the web page, as depicted in this example on Slide 4.

13 And the most direct evidence is from Internet Archive. When you  
14 go to the archived copy of the prior art web page, you can click on the first  
15 thumbnail image, and it opens a pop-out window with a larger version of the  
16 image. The URL for the pop out window even includes the text big\_img,  
17 short for big image. After opening the big image, you can right click, save  
18 image as, and download a .jpg copy of the image file. And that's how we  
19 obtained the large image shown here on the right of Slide 4.

20 These same thumbnails and corresponding large images were also  
21 published on the Korean and Chinese language versions of the DBEW  
22 website, and those large images are shown in Slides 5 through 8. Internet  
23 Archive did not capture these other large images on the English version of  
24 the site, but the filenames are the same and Ms. Forsythe confirmed that

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