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PGR2016-00011, Paper No. 53

PGR2016-00012, Paper No. 33

June 7, 2017

571-272-7822

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARKEMA INC and ARKEMA FRANCE,
PETITIONER,

V.

HONEYWELL INTERNATIONAL INC.,
PATENT OWNER.

Case PGR2016-00011 and PGR2016-00012
U.S. Patent No. 9,157,017

Record of Oral Hearing
Held: Monday, May 15th, 2017

BEFORE KRISTI L. R. SAWERT, MICHAEL TIERNEY, and
GRACE
KARAFFA OBERMANN, Administrative Patent Judges

The above-entitled matter came on for hearing on Monday, May 15th, 2017, commencing at 1:31 p.m. at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

A P P E A R A N C E S

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1 PROCEEDINGS

2 JUDGE SAWERT: Good afternoon everyone. We have this
3 afternoon our consolidated final hearing in PGR2016 - 00011
4 and PGR2016 - 00012 between Petitioner Arkema and Patent
5 Owner Honeywell International. I'm Judge Sawert. I'm joined
6 today by Vice Chief Judges Tierney and Obermann. Counsel,
7 can you please introduce yourself and let us know who will be
8 presenting today. We will start with petitioner.

9 MR. FELDSTEIN: Your Honor, I'm Mark Feldstein from
10 Finnegan Henderson on behalf of petitioner Arkema and Arkema
11 France. With me --
12 I'll be presenting along with my colleague Dr. Erin Sommers.
13 With me also from Finnegan Henderson, my co-counsels Mark
14 Stewart (sic) and Charlie Mitchell. With me from Arkema
15 France is Anne-Sophie Schaefer, Doris Dang. And with me from
16 Arkema Inc is Lisa Brody.

17 JUDGE SAWERT: Thank you. Good afternoon.

18 MR. FELDSTEIN: Thank you.

19 JUDGE SAWERT: And for the Patent Owner, who do we
20 have?

21 MR. LOCASCIO: Good afternoon, Your Honor. Gregg
22 LoCascio from Kirkland, Ellis, LLP, on behalf of Honeywell

1 the Patent Owner. Along with me I'll be arguing with Noah
2 Frank, Alex Shank, and company owner, Jeffrey Conner.

3 JUDGE SAWERT: Thank you and good afternoon. It's good
4 to have you here. We appreciate everyone making the effort
5 to be here. We set forth the procedure for today's hearing
6 in our trial order, but just to remind everyone of the way
7 this will work, each party will have 60 minutes of total time
8 to present arguments. During your presentations, if you have
9 a demonstrative, please remember to identify each
10 demonstrative exhibit clearly and specifically, for example
11 by slide or screen number. This will help to ensure the
12 clarity and accuracy of the transcript.

13 I'll give each counsel warning when you're reaching
14 the end of your argument time. Does counsel have any
15 questions or concerns? Okay. We remind each party that
16 under no circumstances are they to interrupt the other party
17 while that party is presenting its arguments and
18 demonstratives. If a party believes that a demonstrative or
19 argument presented by the other party is objectionable for
20 any reason, that objection may only be raised during the
21 objecting party's argument time. For example, if Patent
22 Owner has an objection to any of the slides presented or

1 arguments made by the petitioner Patent Owner may only raise
2 that objection during Patent Owner's allotted time to speak.

3 Also, before we begin, I would like to remind the
4 parties that this hearing is open to the public and a full
5 transcript of the hearing will be made part of the record.

6 With that, we are ready to begin. Petitioner has the burden
7 of proof and will go first. Mr. Feldstein.

8 MR. FELDSTEIN: Yes, Your Honor?

9 JUDGE SAWERT: Do you wish to reserve any time for
10 rebuttal?

11 MR. FELDSTEIN: We're going to reserve 20 minutes, Your
12 Honor.

13 JUDGE SAWERT: Give me one moment to set the clock.
14 Okay. Counsel, are you ready?

15 MR. FELDSTEIN: Yes, Your Honor. Thank you.

16 JUDGE SAWERT: You have 40 minutes.

17 MR. FELDSTEIN: Thank you, Your Honor. Your Honor, on
18 slide three, please. The issues for trial Your Honor, are
19 PGR eligibility which applies to both PGRs 11 and 12. I'm
20 going to be arguing that. My colleague, Dr. Sommers, is going
21 to be arguing unpatentability, principally addressing PGR 11,
22 the 2002 and earlier, prior art.

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