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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INNOSCIENCE (ZHUHAI) TECHNOLOGY COMPANY, LTD

and

INNOSCIENCE AMERICA, INC.,

Petitioner,

v.

EFFICIENT POWER CONVERSION CORPORATION,

Patent Owner.

IPR2023-01381

Patent 8,350,294B2

CONFERENCE CALL

TUESDAY, AUGUST 6, 2024

3:00 p.m.

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

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19 ADMINISTRATIVE PATENT JUDGES:

20 Jon B. Tornquist

21 Jeffrey W. Abraham

22 Kimberly McGraw

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

2 JUDGE TORNQUIST: Good afternoon. I'm Jon
3 Tornquist. Appearing with me are Administrative
4 Patent Judges Jeffrey Abraham and Kimberly McGraw.

5 Do we have the Petitioner on the line?

6 MR. LAVENUE: Hello, Your Honor. Lionel
7 Lavenue for Petitioner. I'm here with also Cory Bell
8 and Kara Specht and, Your Honors, we do have a court
9 reporter on the line.

10 JUDGE TORNQUIST: Okay. And did you order
11 the court reporter?

12 MR. LAVENUE: Yes, Your Honor.

13 JUDGE TORNQUIST: Okay. So after the call
14 is done and in reasonable due course, please enter the
15 transcript into the record as an exhibit when you have
16 the chance.

17 MR. LAVENUE: We confirm, Your Honor.
18 Thank you.

19 JUDGE TORNQUIST: Okay. Thank you.

20 And do we have Patent Owner on the line?

21 MR. DAVIS: Yes, Your Honor. This is
22 Walter Davis on behalf of Patent Owner. And with me I

1 have Jon England -- Jonathan England.

2 JUDGE TORNQUIST: Okay. Welcome.

3 This call is requested by Petitioner. So
4 Petitioner, do you want to start and explain what the
5 issue is and what relief you're requesting?

6 MR. LAVENUE: Yes, Your Honor. Again,
7 Lionel Lavenue again for Petitioner. We're calling
8 because we had contacted the Patent Owner on July 3rd
9 and asked for their position as to when they would be
10 providing discovery under 37 C.F.R. 42.51(b) (1) (3)
11 specifically on relevant inconsistent positions that
12 they've taken between the IPR and the concurrent ITC
13 proceeding that's taking place at the International
14 Trade Commission, and we asked them when they would be
15 providing that information on their inconsistent
16 positions. Alternatively, if they wanted to have a
17 call with the Board. They simply responded that they
18 wished to have a call with the Board on July 10th. So
19 we contacted them July 3rd. July 10th, they said
20 contact the Board.

21 We contacted the Board on July 13th, and
22 then today is that scheduled call, Your Honors. And

1 then our position is is that there are specific
2 documents and information of inconsistent positions
3 that the Patent Owner has taken between the IPR and
4 the ITC proceeding. Specifically, EPC has made
5 inconsistent positions with respect to the patent, the
6 plain construction of the terms of the patent, and
7 also specifically with respect to the prior art
8 between those two proceedings.

9 Also, we note, Your Honors, that the expert
10 between the IPR proceeding and the ITC proceeding is
11 the same expert. So the expert has taken positions on
12 all of these issues both in the IPR and in the ITC in
13 inconsistent ways.

14 There are three specific inconsistencies
15 that we can note for Your Honors on the public record.
16 As you know, ITC proceedings are conducted on a
17 confidential record. However, there are certain parts
18 of the ITC proceeding that are public, and we can
19 point out to Your Honors about those inconsistencies.

20 We would suggest that the Patent Owner also
21 has the burden not only to describe the
22 inconsistencies that have been taken with respect to

1 the public record, but also with respect to the
2 confidential record consistent with the ruling in IPR
3 2023-1061, Paper 27. And in that IPR, the judges
4 there make very clear that it is not the Petitioner's
5 burden, but it's the Patent Owner's burden to ensure
6 compliance with 42.51(b)(1)(3) on inconsistent
7 positions, and that the failure to comply with the
8 burden on the Patent Owner is a violation of the duty
9 of candor to the PTO.

10 And in that proceeding, Paper 27, there
11 were three specific requirements that were placed up
12 on the Patent Owner because they had not, in that
13 proceeding, disclosed inconsistent positions.

14 Number one, they were required to produce
15 documents and information on the inconsistent
16 positions that were noted by the Petitioner
17 specifically. So that was number one. Number two,
18 they were required to produce any other relevant
19 information or documents on inconsistent positions
20 that were taken on the confidential record in the
21 district court proceeding. There was an objection by
22 the Patent Owner that they did not wish to disclose

1 inconsistencies based upon confidential information
2 that was before the district court, and the judges on
3 the Board said no, you're not allowed to exclude that
4 information. If there's inconsistent positions, you
5 have to produce those.

6 And then number three, there was a
7 certification confirmation that was required of the
8 Patent Owner that the Patent Owner had complied with
9 its discovery obligations under 37 C.F.R. 42.51(b)(1).

10 And so those are the three requests that
11 we're making the call about today, Your Honor.

12 I have skipped over the three
13 inconsistencies that I can note. If you would like
14 for me to outline those, I can, or I can pause here
15 and go forward at your pleasure.

16 JUDGE TORNQUIST: Well, let me ask you.
17 You're aware of all of that information, correct?

18 MR. LAVENUE: We are aware of the public
19 inconsistencies, but what we're not able to obtain are
20 information on the confidential inconsistencies which
21 we believe would be required to be provided by the
22 Patent Owner.

1 JUDGE TORNQUIST: Okay. All right. Just
2 really briefly, why don't you give me just the general
3 idea of what the three inconsistencies that you can
4 publicly identify.

5 MR. LAVENUE: Thank you, Your Honor. I can
6 go over these very quickly. The first is one of the
7 common references that is used in both the IPR and in
8 the ITC proceeding is the Uemoto, U-E-M-O-T-O, and one
9 of the specific elements of that that is disputed
10 among the parties as to whether or not it satisfies
11 the requirements for the validity is Region 15-B.
12 That's 15 Bravo. And in the IPR, the Patent Owner
13 took the position that that region cannot correspond
14 to a compensated GaN. And in the ITC, the Patent
15 Owner took the opposite position, that the Region 15-B
16 can correspond to compensated GaN. And so that's the
17 clear, direct, relevant inconsistency number one of
18 three.

19 The second is in the construction of the
20 compensated GaN. In the IPR, the Patent Owner said
21 that the presence of hydrogen does not mean
22 compensated GaN. And in the ITC, the Patent Owner

1 took the opposite position, that the presence of
2 hydrogen can mean compensated GaN. So again, a
3 directly inconsistent position.

4 And then the third of the three is also in
5 the construction of compensated GaN. In the IPR, the
6 Patent Owner took the position that GaN must be
7 P-doped, and in the expert's testimony and textbook,
8 or I should say the expert's textbook, the testimony
9 is on the confidential record. But in the expert's
10 textbook, the expert who opined in the IPR took the
11 opposite position and said that GaN can be either
12 P-doped or N-doped. And the distinction is an
13 important distinction for purposes of the IPR.

14 And so those are the three
15 publicly-available inconsistencies that we can point
16 to without getting into the confidential record at the
17 ITC, Your Honor.

18 JUDGE TORNQUIST: Okay. And Patent Owner
19 has submitted a motion to amend in this case. Does
20 that affect the arguments at all?

21 MR. LAVENUE: It makes it more relevant,
22 Your Honor, because of that motion to amend.

1 JUDGE TORNQUIST: Okay. Okay. Do you have
2 anything further to add before we hear from the Patent
3 Owner?

4 MR. LAVENUE: No, Your Honor. Thank you.

5 JUDGE TORNQUIST: Okay. Thank you.

6 Patent Owner, would you like to respond?

7 MR. DAVIS: Yes, Your Honor. Thank you.

8 Walter Davis on behalf of Patent Owner.

9 First, I would note that these specific
10 alleged inconsistencies that counsel for Petitioner
11 just mentioned, the three items, that's the first that
12 we are hearing about them. Previously, it appeared
13 that the Petitioner wanted us to go through, pour
14 through every single shred of, you know, the thing
15 that we submitted in the ITC case to search for
16 inconsistencies in the IPR petition, which is an
17 impossible task because we didn't really know what we
18 were looking for.

19 Our view, at least, and that's without
20 considering these three items on the fly, was that we
21 were being consistent. If we are being inconsistent,
22 we would need to be presented with those specific

1 items to be able to evaluate whether or not we -- we
2 were. So that's one thing.

3 The second thing is that I'm happy that
4 counsel for Petitioner did fix one thing that was a
5 bit misleading from the original email to the Board,
6 and that is that in the email to the Board requesting
7 the call, the Board -- or counsel for Petitioner
8 indicated that Patent Owner refused to supplement and
9 asked for a call with the Board. And what really
10 happened, as counsel for Petitioner just mentioned,
11 was they sent us an email on July 10th. They asked us
12 to let them know by -- I'm sorry, on July 3rd. They
13 asked us to let them know by July 10th whether we will
14 be serving documents with the relevant inconsistent
15 information. And, alternatively -- this is what the
16 email says -- alternatively, they said, please let us
17 know your availability to schedule an initial
18 conference call with the Board the week of July 15th.

19 Well, not knowing what the alleged
20 relevant, inconsistent information was, we simply said
21 a call for the Board would be the better approach
22 here, and that's what we said. So we never took any

1 affirmative refusal on whether or not there is
2 inconsistent information on whether we would refuse to
3 submit it.

4 And that's all I can really say right now,
5 Your Honors, because I'm just being presented with the
6 alleged inconsistencies for the first time right now.

7 JUDGE TORNQUIST: Okay. So you're not
8 opposed to going back to, at least on these specific
9 issues, in determining whether there's anything
10 inconsistent and producing it if it is?

11 MR. DAVIS: If counsel for Petitioner will
12 memorialize what he just indicated so that we can have
13 a fair look at the so-called inconsistencies, I am
14 more than happy to go back and assess whether or not
15 we agree that those are inconsistencies.

16 JUDGE TORNQUIST: Okay. Just for a
17 background, are the attorneys -- defense attorneys in
18 the IPR the same or different in the ITC?

19 MR. DAVIS: They mostly are largely the
20 same, Your Honor.

21 JUDGE TORNQUIST: Okay. Okay. With that,
22 let me go back to Petitioner. Petitioner, do you

1 object or have any concerns about memorializing the
2 specific categories that you think there might be
3 inconsistencies for a Patent Owner letting them search
4 through these documents?

5 MR. LAVENUE: Yes, Your Honor. We do
6 object. We would request, instead, that we proceed
7 with a motion to compel if this is the path that they
8 plan to take.

9 On July 3rd, we did ask them if they would
10 have a meet-and-confer with us on the fact that they
11 had not provided any information on the inconsistency
12 -- inconsistent information, and on July 10th, they
13 said let's call the Board.

14 You know, they've had since July 3rd to ask
15 us for information to have a meet-and-confer. They're
16 the ones that did not have the meet-and-confer. We're
17 always here and happy to have a meet-and-confer. But
18 also counsel for the Patent Owner I don't believe is
19 aware of the case law because the case law -- or at
20 least IPR 2023-1061, Paper 27, makes it very clear,
21 and I'm quoting, "It is not Petitioner's burden to
22 identify documents that Patent Owner should have

1 produced as routine discovery."

2 And so the Board has already looked at
3 exact issue, and the burden is not on the Petitioner
4 to find any inconsistencies. The burden is on the
5 Patent Owner to identify the inconsistencies and to
6 address those under 42.51.

7 So for what we're hearing from the Patent
8 Owners, they're saying well, you know, you've now
9 identified three inconsistencies from the public
10 record, you know, we'll take a look at those and let
11 you know. And if you have any more, let us know and
12 we'll consider those. That's not the structure that's
13 outlined in Paper 27 from the 1061 IPR proceeding.
14 The structure there is applying C.F.R. 42.51 by saying
15 look, that rule of C.F.R. applies to the Patent Owner,
16 not to the Petitioner. And the Patent Owner is the
17 one who is obligated to identify the relevant
18 inconsistent information.

19 I do recognize that my friend from the
20 other side is saying well, they believe that that's an
21 impossible burden. We submit that it's not an
22 impossible burden because there are specific issues

1 that are made between the IPR and the ITC, which they
2 well know that they have taken inconsistent positions,
3 and those inconsistent positions are things that they
4 are obligated to identify.

5 And I think that that's one reason why
6 Paper 27 in 1061 requires that third element, which is
7 when you have a Patent Owner who is not willing to
8 abide by the rules, then they have to comply with the
9 third requirement, which is a certification that they
10 have complied with the discovery obligations of 42.51
11 because, you know, otherwise, then they have not
12 complied with the rules that they're obligated to do
13 so.

14 JUDGE TORNQUIST: Okay. So a couple things
15 I'm worried about. One is timing. What's your timing
16 for the filings in this case? When do you need this
17 information?

18 MR. LAVENUE: Thank you, Your Honor. Our
19 deadline is currently September 4th, and the date that
20 we were going to request this information from EPC was
21 August 21st for compliance of all three elements of
22 what we had asked for. That is, number one, the

1 information on the named inconsistencies; number two,
2 the information on the other inconsistencies; and
3 number three, a certification of compliance with
4 42.51.

5 JUDGE TORNQUIST: Okay. The other thing
6 I'm thinking of is simply how this would be expedited
7 if you did give them at least an idea of what those
8 others are. I realize you can't say the confidential
9 stuff on the record. As it stands, we have a closed
10 record here. But, you know, if you know there's
11 something specific on that private record, the
12 confidential record, it might very well be useful, I
13 would think to me, to have a conference, for you guys
14 to meet and confer again to see if you can just
15 resolve this without having to go to this motion to
16 compel. We can certainly do that, but it seems like
17 we could find a way to streamline this. I don't hear
18 Patent Owner really objecting to going back and
19 getting this material if it exists.

20 Do you have any comments on that,
21 Petitioner?

22 MR. LAVENUE: We certainly can meet and

1 confer. We're happy to do so to resolve specific
2 requests. But one thing we really do want, Your
3 Honor, and we would request that it be ordered, is the
4 certification that the Patent Owner's complied with
5 42.51.

6 JUDGE TORNQUIST: Okay. Okay. Let's go to
7 Patent Owner. Patent Owner, would you like to address
8 the conversation we just had with Petitioner?

9 MR. DAVIS: I would, Your Honor, and I
10 would first like to say that counsel for Petitioner,
11 it may be unintentional, I'm not really sure, but
12 counsel for Petitioner represented that their July 3rd
13 email asked for a meet-and-confer, and that is not
14 true. I'm happy to forward the email to Your Honors
15 at any time, but I'm reading it, quote, the bottom of
16 it, "Please let us know by July 10, 2024, if Patent
17 Owner will be serving documents with the relevant
18 inconsistent information. Alternatively, let us know
19 your availability to schedule an initial conference
20 call with the Board the week of July 15, 2024."

21 There's nothing about a meet-and-confer in
22 there. Very clearly, we're quickly looking to raise

1 this issue to the Board, and without knowing more, we
2 were happy to comply with that. So we said sure,
3 let's talk to the Board. So that's my first. And I
4 don't know if that was an intentional
5 misrepresentation or not. I won't speak to that.

6 As to the rest of it, Your Honor, this --
7 again, this is arguments that we are hearing for the
8 first time on this call. And I would ask that in
9 order to be able to properly consider and provide a
10 fulsome response, that Petitioner be asked to
11 memorialize that argument as well. I'm not prepared
12 to answer as to one specific case that they've cited
13 here a few times and any decisions that came out of
14 that case.

15 I would offer Your Honors, again, that
16 suggesting that a Patent Owner needs to pour through
17 every shred of paper that was submitted in the ITC
18 case, perhaps all the testimony that was provided
19 during the ITC hearing expert reports, I'm not sure
20 what everything is to -- for the Petitioner to want to
21 force a Patent Owner to partake in that exercise when
22 clearly, they have an idea of what the alleged

1 inconsistent information is. It defies logic. It
2 doesn't make much sense. It seems like an inefficient
3 thing to do. And I'll stop there, Your Honor.

4 JUDGE TORNQUIST: Okay. Okay. Let's hear
5 any response from Petitioner. And then what we're
6 going to do is put you on hold so that the panel can
7 confer. But Petitioner, do you have any quick
8 response?

9 MR. LAVENUE: Just a quick response, Your
10 Honor, from Petitioner is that the objection that the
11 Patent Owner is making I think is an objection to the
12 rules, 42.51(b)(1)(3). That's what is required and
13 also consistent with the ruling in 1061, Paper 27,
14 whereas the burden is on the Patent Owner.

15 I think everything we're hearing from the
16 Patent Owner's counsel is perhaps that maybe getting
17 this document in a motion to compel and having a
18 ruling from the Board so that there's an obligation
19 for a confirmation and certification that the Patent
20 Owners complied with its duty disclosure requirements
21 and discovery requirements under 42.51. That may be
22 what's necessary here.

1 But in the meantime, we are certainly happy
2 to meet and confer at the same time, but it sounds
3 like that maybe a motion with a ruling from the court
4 is necessary. Or a ruling from the Board, Your
5 Honor.

6 JUDGE TORNQUIST: Okay. So Patent Owner,
7 just to go back to you. You do understand that there
8 is a continuing obligation to produce anything that's
9 inconsistent with the position you've taken before the
10 Board; correct?

11 MR. DAVIS: I do understand that, Your
12 Honor. We would just, off the top of my head here,
13 looking at these items, I don't agree with them. Now,
14 I need to see them in writing in order to go back and
15 double check. But I know off the top of my head with
16 respect to the first one, Uemoto in item 15(b) that
17 what counsel for Petitioner said is not correct, at
18 least as it pertains to positions that Patent Owner
19 took in the post-hearing briefing. I know it because
20 I read it.

21 JUDGE TORNQUIST: Okay. So your position
22 right now is that you -- but you understand the

1 obligation, you just don't feel that that obligation
2 has been -- that you feel that you have actually met
3 the obligation as it currently stands?

4 MR. DAVIS: Correct. Correct. And I think
5 the efficient thing is that if Petitioner knows those
6 specific instances where they believe that we have not
7 met that obligation, to identify those so we can go
8 back and see whether they were right.

9 JUDGE TORNQUIST: Okay. Do you have any
10 objection after that process if you have a
11 meet-and-confer and go back through this information?
12 Do you have any objection to filing the confirmation
13 that you've, to your knowledge, now satisfied the
14 requirements of the rule?

15 MR. DAVIS: I'm sorry. You sort of flaked
16 out on me. Not flaked out, but there was a bit of
17 static.

18 JUDGE TORNQUIST: No, no, no. I
19 understand. There is sort of a -- yes, there is sort
20 of a lag here.

21 There is a continuing obligation producing
22 inconsistent information, but what the Petitioner is

1 asking for at the end of the day, getting a
2 certification from the Patent Owner that they believe
3 that they have satisfied that. Would you object to
4 filing such a certification?

5 MR. DAVIS: Would I object? I would not
6 object to the filing a certification, assuming that is
7 our obligation. I mean, I need to fully consider the
8 information, which I think is what you were saying.
9 You actually -- you blanked out on me again, but I
10 think that's what you're getting at. If we look at
11 everything and we are satisfied that we have met our
12 obligation, to certify that. Yeah. I'm all right
13 with that.

14 JUDGE TORNQUIST: Okay. All right. With
15 that, I'm going to put the parties on hold. We'll
16 come back, and if anyone has anything more to say,
17 you'll have a chance to. But right now, we're going
18 to put you on hold and confer with the panel. Thank
19 you.

20 MR. LAVENUE: Thank you.

21 MR. DAVIS: Thank you.

22 (A brief recess was taken.)

1 JUDGE TORNQUIST: Okay. We are back
2 online. Just to make sure, is the Petitioner still on
3 the line?

4 MR. LAVENUE: Yes, Your Honor. Thank you.

5 JUDGE TORNQUIST: And Patent Owner?

6 MR. DAVIS: Yes, Your Honor.

7 JUDGE TORNQUIST: Okay. And the court
8 reporter? Let's just make sure.

9 THE REPORTER: Yes, I'm still here.

10 JUDGE TORNQUIST: Okay. Great. Okay.

11 Now, the Panel has conferred and what we'd like
12 to do is we'd like to have the parties go back and
13 have a meet-and-confer and discuss the issues.

14 Petitioner, I know you don't feel it's your
15 burden, but I think it would be very useful to lay out
16 exactly what you think is inconsistent. And then
17 Patent Owner, we think it's important that you also
18 then explain why you don't believe it's inconsistent.

19 If the parties after that -- if you work
20 through it and can't agree, then we will authorize a
21 motion to compel. But I think we could -- it sounds
22 like there isn't too much distance between the parties

1 here and you should be able to work through this not
2 having to go to a motion to compel, but understanding
3 it might not get there. We'd like you to meet and
4 confer first.

5 With that, Petitioner, if you do need the
6 motion to compel, what is your timeline?

7 MR. LAVENUE: The timeline would be as
8 short as possible, Your Honor. We could file that
9 within a few days and then have the response within a
10 few days for a possible ruling as soon as possible.

11 JUDGE TORNQUIST: Okay. So, like, three to
12 four days?

13 MR. LAVENUE: Yes, Your Honor.

14 JUDGE TORNQUIST: Well, you can file it as
15 fast as you want.

16 I guess, Patent Owner, what's your
17 timeline? Can you do three to four days?

18 MR. DAVIS: Three to four days for what,
19 Your Honor? Having to meet and confer or --

20 JUDGE TORNQUIST: Well, I want to ask that
21 the meet-and-confer happen. Sorry. I didn't mean to
22 talk over you.

1 I want the meet-and-confer to happen as
2 quickly as possible. If that doesn't work out,
3 Petitioner is going to file a motion to compel. How
4 much time do you need to respond to it?

5 MR. DAVIS: Oh, I understand. I'm not
6 really sure, Your Honor, because based on today and
7 the number of surprises and issues, I don't know
8 exactly what the motion to compel will look like or
9 how comprehensive it is and how long it would take.
10 So I guess I would just ask for something that's fair.

11 JUDGE TORNQUIST: Okay.

12 MR. DAVIS: We will strive to do it as
13 quickly as possible for sure.

14 JUDGE TORNQUIST: Okay. I think what we'll
15 probably do is that if Petitioner, or the Patent Owner
16 responds in five business days after the motion to
17 compel comes in, Patent Owner, if, after seeing that
18 motion you feel you need more time to deal with
19 complexities or the size of the record, et cetera, you
20 can reach out to us for more time if it's necessary.

21 And Petitioner, let's go back to you. I'm
22 thinking 10 pages for your motion. Is that

1 sufficient?

2 MR. LAVENUE: It is, Your Honor. Thank
3 you.

4 JUDGE TORNQUIST: Okay. And Patent Owner,
5 you would also get 10 pages for your opposition to it.

6 Okay. Any questions from Petitioner?

7 MR. LAVENUE: One last question, Your
8 Honor. If we were, by a miracle, able to resolve our
9 differences through the meet-and-confer and not file
10 the motion to compel, I just wanted to confirm that
11 the Patent Owner would still be obligated to file a
12 certification of compliance with 42.51?

13 JUDGE TORNQUIST: I think Patent Owner has
14 said they're willing to do that. Patent Owner?

15 MR. DAVIS: That's correct, Your Honor.

16 JUDGE TORNQUIST: Okay. So why don't you
17 guys work that through in your meet-and-confer. And
18 it sounds like if you are able to resolve it, then you
19 will be getting a certification, Petitioner.

20 MR. LAVENUE: Thank you, Your Honor.

21 JUDGE TORNQUIST: Okay. Patent Owner, any
22 other questions or concerns?

1 MR. DAVIS: Just for clarity, before
2 Petitioner can file its motion to compel, we need to
3 meet and confer; correct?

4 JUDGE TORNQUIST: Yes, and as quickly as
5 possible. It sounds like the clock is ticking here.
6 I apologize that we weren't able to get to this call
7 sooner. But how quickly could you meet and confer?
8 Petitioner?

9 MR. LAVENUE: Within the next day or two,
10 Your Honor.

11 JUDGE TORNQUIST: Patent Owner, would that
12 work for your schedule?

13 MR. DAVIS: That would work, Your Honor.

14 JUDGE TORNQUIST: Okay. So have the
15 meet-and-confer. If that doesn't work, then -- go
16 ahead.

17 MR. DAVIS: So I apologize, Your Honor. My
18 colleague asks a good question that I should ask you.
19 In terms of the certification, what would the timing
20 on filing that be?

21 JUDGE TORNQUIST: Well, I think that's
22 something you guys could meet and confer about to what

1 makes sense there.

2 MR. DAVIS: Okay. Thank you.

3 JUDGE TORNQUIST: I think as long as the
4 certification was made, that should satisfy
5 Petitioner, but please just meet and confer about
6 these questions.

7 If anything else comes up, obviously, email
8 us or, if necessary, we can have another call, but I
9 prefer that the parties just work through this on
10 their own, and if need be, we'll have the motion to
11 compel.

12 Anything else from Petitioner?

13 MR. LAVENUE: Nothing else, Your Honor.

14 JUDGE TORNQUIST: Thank you. Okay. And
15 Patent Owner?

16 MR. DAVIS: Nothing else, Your Honor.
17 Thank you very much for your time.

18 JUDGE TORNQUIST: Okay. Okay. I'm
19 optimistic that you all will be able to resolve this,
20 and, hopefully, that is the way it works out. But
21 with that, this call is adjourned. Thank you very
22 much.

1 MR. LAVENUE: Thank you.

2 MR. DAVIS: Thank you, Your Honor.

3 MR. LAVENUE: Good day.

4 (Conference call concluded at 3:39 p.m.)

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CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC

I, Linda M. Bahur, Registered Professional Reporter and Notary Public within and for the State of Maryland, the officer before whom the foregoing proceedings were taken, do hereby certify that the foregoing transcript is a true and correct record of the proceedings; that said proceedings were taken by me stenographically and thereafter reduced to typewriting under my supervision; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 7th day of August, 2024.

My commission expires August 27, 2027.

Linda M. Bahur



NOTARY PUBLIC IN AND FOR
THE STATE OF MARYLAND

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