

RECORD OF ORAL HEARING
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMERICAN EXPRESS CO., EXPEDIA, INC., ORBITZ WORLDWIDE,
INC., PRICELINE.COM, INC., TRAVELocity.COM LP, YAHOO! INC.
d/b/a YAHOO! TRAVEL, AMERICAN EXPRESS TRAVEL RELATED
SERVICES CO., INC., HOTELS.COM LP, HOTELS.COM GP, LLC and
HOTWIRE, INC.,

Petitioner,

vs.

HARVEY LUNENFELD,
Patent Owner.

Case CBM2014-00050

Patent 8,239,451 B1

Oral Hearing Held: February 24, 2015

Before: MIRIAM QUINN (via video), KARL EASTHOM,
FRANCES IPPOLITO (via video), Administrative Patent Judges

The above-entitled matter came on for hearing on Tuesday, February
24, 2015 at the U.S. Patent and Trademark Office, 600 Dulany Street,
Alexandria, Virginia in Courtroom B, at 2:00 p.m.

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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ON BEHALF OF THE PATENT OWNER:

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BRYAN JAMES MECHELL, ESQ.

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ALSO PRESENT:

HARVEY LUNENFELD, Patent Owner

P R O C E E D I N G S

(2:00 p.m.)

JUDGE EASTHOM: Please be seated. Welcome.
We have a couple judges on the screen. We will wait for
them to appear.

Welcome, everyone. Judge Ippolito and Judge
Quinn, can you hear us? Judge Quinn, can you hear us? How
about that, can you hear us now? Thank you.

Judge Ippolito, are you with us? We can't hear
you. I can't hear you. Can you hear me?

JUDGE IPPOLITO: Yes.

JUDGE EASTHOM: There you are.

JUDGE IPPOLITO: My Internet connection is
pretty choppy right now. I think everyone is on a meeting. So
let me know if I end up getting logged out or something, I will
try to call back in.

JUDGE EASTHOM: Okay. If you are asking a
question, and I can't hear you, I will signal with my hand on
my ears, perhaps.

JUDGE IPPOLITO: Okay. That would be helpful.
Thank you.

JUDGE EASTHOM: Okay. Welcome, everybody.
This is CBM 2014-00050. And it is American Express, et al.
versus Harvey Lunenfeld. And the patent is 8,239,451.

1 We have laid out ground rules in the trial order,
2 hearing order. And it says in there each have one hour. So,
3 Petitioner, you will proceed first. And then Patent Owner will
4 proceed. And Petitioner, you will respond and rebut to Patent
5 Owner, if they should address their motion to amend. And
6 then, Patent Owner, you can respond to their -- you rebut their
7 response on the Patent Owner motion to amend.

8 And why don't we introduce ourselves for the
9 record, please, Petitioner.

10 MR. VANDENBERG: John Vandenberg for
11 Petitioner, of Klarquist Sparkman.

12 MS. REICHENBACH: Kristen Reichenbach of
13 Klarquist Sparkman as well for Petitioner.

14 JUDGE EASTHOM: Welcome.

15 MR. MARTINEZ: Good afternoon, Your Honors.
16 Richard Martinez on behalf of Patent Owner.

17 MR. MECHELL: Good afternoon, Bryan Mechell
18 on behalf of Patent Owner.

19 JUDGE EASTHOM: Welcome.

20 Okay. Mr. Vandenberg, are you going to present
21 argument?

22 MR. VANDENBERG: Yes, Your Honor. I, first,
23 Petitioner would like to reserve 20 minutes for its rebuttal and
24 response.

25 JUDGE EASTHOM: Okay.

1 MR. VANDENBERG: Then I would like to address
2 the claim interpretation issues and Section 101 and then my
3 colleague, Dr. Reichenbach, would address section 103, with
4 the Board's permission.

5 JUDGE EASTHOM: That sounds good.

6 MR. VANDENBERG: Also we have a paper copy
7 of our demonstratives. They're the ones we have submitted. If
8 the paper copy would be handy, my colleague will hand that up
9 to Your Honor.

10 JUDGE EASTHOM: That would be helpful to me.
11 I would appreciate a copy. Thank you.

12 MR. VANDENBERG: So may it please the Board,
13 what is paramount, of course, is the claim, the claim language,
14 the claim limitations. And that's particularly important here
15 because we submit that the Patent Owner's defense of its
16 claims, both for 101 and 103, is relying on imaginary
17 limitations. And we invite the Board's attention to our slide
18 number 3 in our demonstrative exhibit.

19 And here in our slide 3 and our slide 4 in our
20 demonstratives, we list nine elements that the Patent Owner in
21 various places has asserted --

22 JUDGE EASTHOM: Hang on one second. Please
23 indulge us. I am having trouble seeing Dr. Ippolito. Judge
24 Quinn, can you see Judge Ippolito on your screen?

25 JUDGE QUINN: I don't see her.

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