

RECORD OF ORAL HEARING

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GAME SHOW NETWORK, LLC and WORLDWINNER.COM, INC.
Petitioner

v.

JOHN H. STEPHENSON
Patent Owner

Case IPR2013-00289
Patent 6,174,237

Oral Hearing Held: July 10, 2014

Before SALLY C. MEDLEY, KEVIN F. TURNER, and BENJAMIN D. M.
WOOD, *Administrative Patent Judges*.

APPEARANCES:

ON BEHALF OF THE PETITIONER:

BRENTON R. BABOCK, ESQUIRE
TED M. CANNON, ESQUIRE
Knobbe Martens
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APPEARANCES (Cont.):

ON BEHALF OF THE PATENT OWNER:

THOMAS J. LEACH, ESQ.
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The above-entitled matter came on for hearing on Thursday, July 10, 2014, commencing at 1:00 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

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

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3 JUDGE WOOD: Good afternoon. This is the hearing for
4 IPR2013-00289 between Petitioners Game Show Network, LLC
5 and the WorldWinner.com, Incorporated, and Patent Owner John
6 H. Stephenson.

7 The Panel is Judges Medley and Wood in Alexandria,
8 Virginia, and Judge Turner is appearing remotely from the U.S.
9 PTO office in San Jose, California.

10 Will counsel for Petitioner please introduce themselves?

11 MR. BABCOCK: Good afternoon, Your Honors. I am
12 Brent Babcock, Knobbe Martens, for Petitioners. Along with me
13 is Ted Cannon.

14 JUDGE WOOD: Thank you.

15 Will counsel for the patent owner please identify
16 themselves?

17 MR. LEACH: Good afternoon, Your Honors. I am Tom
18 Leach with Merchant & Gould, and with me is Dan McDonald,
19 and we're on behalf of the patent owner, John Stephenson.

20 JUDGE WOOD: Thank you. Per the Board's May 30 order,
21 each party has 30 minutes of total time to present arguments.
22 The Petitioner will proceed first to present its case with respect
23 to the challenged claims and grounds for which the Board
24 instituted trial. Thereafter, patent owner will respond to

1 Petitioner's presentation. Petitioner may reserve rebuttal time to
2 respond to patent owner's presentation.

3 Mr. Babcock, you're presenting, I gather?

4 MR. BABCOCK: Yes, Your Honor.

5 JUDGE WOOD: Will you be reserving rebuttal time?

6 MR. BABCOCK: I'd like to reserve five minutes, Your
7 Honor.

8 JUDGE WOOD: Five minutes. Okay.

9 All right then, Mr. Babcock, you may begin.

10 MR. BABCOCK: Thank you, Your Honors. May I
11 approach and hand out a handout of a copy of the slides?

12 JUDGE WOOD: Yes, that's fine.

13 MR. BABCOCK: Thank you.

14 JUDGE MEDLEY: Thank you.

15 JUDGE WOOD: All right, thank you.

16 MR. BABCOCK: And for Judge Turner's benefit, they are
17 identical to the slides that we filed with the Board.

18 JUDGE TURNER: Thank you. It might be helpful for me
19 when you're actually referring to -- for both parties, if you're
20 referring to a slide, if you can mention the slide number, and
21 then I can follow along and be -- demonstrative.

22 MR. BABCOCK: Of course. I'll do my best to do so. We
23 have numbers in the lower left-hand corner, beginning with slide
24 1, which we've labeled GSN1. I may just say slide 1.

1 Good afternoon, Your Honors. Again, Brent Babcock on
2 behalf of the Petitioners. I'd like to begin by walking through a
3 few of the key issues in this case.

4 On slide 2, we enumerate the three issues that are before
5 Panel. And, interestingly, this case does boil down to three
6 fairly simple issues. And, in fact, it's simpler than most cases
7 because claim construction really is the focus of this case. There
8 aren't really many factual disputes that can be resolved by the
9 Panel. If the Panel resolves the claim construction issues that
10 the parties have disputed, the case is essentially resolved.

11 There are three limitations that are at issue that are in
12 dispute with regards to the proper construction of the claims.
13 The playing a game of skill between a single player and a host
14 computer is the first issue. It seems to be the most highly
15 contested issue and, given the amount of time both parties
16 devoted in the demonstratives to that issue, that seems to be the
17 one we're going to be focusing on the most. The second issue is
18 the claim limitation evaluating results of the qualifying round,
19 and the last limitation is the performance level award increases
20 as a player qualifies for a higher performance level. So, those
21 are the three main arguments, main issues, for us to talk about
22 today.

23 I'm going to turn to slide 2 -- I mean, excuse me, slide 3
24 now and our summary for the -- on behalf of the Petitioner.
25 We're going to be focusing heavily on the proper standard here

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