

RECORD OF ORAL HEARING
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTERNATIONAL BUSINESS MACHINES CORPORATION,

Petitioner,

v.

INTELLECTUAL VENTURES II LLC,

Patent Owner.

Case IPR2014-00180

Patent 7,634,666

Oral Hearing Held: Tuesday, January 13, 2015

Before MIRIAM QUINN (via video conference), DAVID McKONE (via video conference), and JAMES TARTAL, *Administrative Patent Judges*.

The above-entitled matter came on for hearing on Tuesday, January 13, 2015, at 1:31 p.m., in Hearing Room B, taken at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

Case IPR2014-00180
Patent 7,634,666

APPEARANCES:

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P R O C E E D I N G S

(1:31 p.m.)

JUDGE QUINN: This is the hearing, oral argument, on IPR2014-00180 concerning U.S. Patent 7,634,666, IBM Corporation versus Intellectual Ventures II LLC.

The Judges presiding on this Panel are Judge David McKone, presiding over our satellite office in Detroit; Judge James Tartal, who is present in the courtroom in Alexandria; and myself, Judge Miriam Quinn, presiding over from our satellite office in Dallas.

At this point I would like the parties to state your names for the record and appearance in the hearing starting with Petitioner.

MR. ADAMO: Good afternoon, Your Honor. Ken Adamo, lead counsel for IBM. With me here today is Eugene Goryunov, who is backup counsel, and also Joel Merkin.

JUDGE QUINN: Would Patent Owner proceed to the podium and state an appearance for the record.

MR. HART: Yes, Your Honor. This is Herb Hart, lead counsel for Patent Owner. With me today are backup counsels Peter McAndrews and Don Coulman.

JUDGE QUINN: Have the parties submitted a copy of the demonstratives to the court reporter?

1 MR. ADAMO: Yes, Your Honor, both parties
2 have.

3 JUDGE QUINN: Okay. Just a couple of
4 instructions that were submitted in our order for the request of
5 oral hearing: The parties will have each 40 minutes for their
6 argument time. Petitioner will go first and may reserve time
7 for rebuttal.

8 Patent Owner will respond to Petitioner's case. No
9 rebuttal time may be allotted at this time for Patent Owner.

10 This hearing is open to the public. So, therefore, I
11 don't think that there was confidential information to discuss,
12 but the parties are alerted that this hearing is open to the
13 public.

14 All objections to demonstratives are waived. If
15 there are any issues with demonstratives that need to be
16 addressed during the argument, we ask that the parties do so
17 during their time that they are allotted for their argument.

18 Are there any questions regarding these
19 instructions?

20 MR. ADAMO: Your Honor, may I ask several
21 housekeeping questions; would that be all right with the
22 Court? This is Ken Adamo for IBM.

23 JUDGE QUINN: Yes.

1 MR. ADAMO: No questions as to the Court's
2 instruction about any objections being stated during one's
3 time.

4 The question would become, if during opposing
5 counsel's argument there is an objection, would you prefer that
6 we state it during their time or hold it for rebuttal? Various
7 panels of the Board have done it different ways. What is the
8 Court's preference today, if I might ask you?

9 JUDGE QUINN: There will be no speaking
10 objections that interrupt the other side's argument. If you
11 have an objection to make or something you want to note
12 regarding the other side's demonstration and argument, you
13 need to do so during your own argument.

14 MR. ADAMO: Thank you, Your Honor.

15 A further housekeeping matter: There are several
16 motions to exclude pending. As I understand the Board's usual
17 practice, you will rule on those motions as part of your final
18 decision.

19 Is it acceptable to the Court that we don't, even
20 during our own time, repeat any objections to the exhibits that
21 are in issue in those motions to exclude, and the understanding
22 would be there is no waiving of any objections simply because
23 it is not repeated during the trial here today?

24 JUDGE QUINN: That's correct. Whatever
25 objections you have made in your motion to exclude are

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