UNITED STATES PATENT AND TRADEMARK OFFICE
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BEFORE THE PATENT TRIAL AND APPEAL BOARD
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FACEBOOK, INC.,
Petitioner,

v.

REMBRANDT SOCIAL MEDIA, L.P.,
Patent Owner.
_____

Cases IPR2014-00415
Patent 6,415,316
_____

Held: April 6, 2015
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BEFORE: PHILLIP J. KAUFFMAN, JENNIFER S. BISK, and
MATTHEW R. CLEMENTS, Administrative Patent Judges.

The above-entitled matter came on for hearing on Monday, April 6,
2015, commencing at 2:00 p.m., at the U.S. Patent and Trademark
Office, 600 Dulany Street, Alexandria, Virginia.

Cases IPR2014-00415
Patent 6,415,316

APPEARANCES:

ON BEHALF OF THE PETITIONER:
        HEIDI KEEFE, ESQ.
        PHILLIP MORTON, ESQ.
        ANDREW MACE, ESQ.
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ON BEHALF OF PATENT OWNER:
        JOHN S. GOETZ, ESQ.
        Fish & Richardson P.C.
        601 Lexington Avenue, 52nd Floor
        New York, New York 10022

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

2   - - - - -

3   JUDGE CLEMENTS: Please be seated. Good afternoon.

4 This is a hearing for IPR2014-00415 between Petitioner, Facebook,

5 Inc. and Rembrandt Social Media, L. P., the owner of U.S. Patent

6 6,415,316.

7   Just a few administrative matters before we begin. I am

8 Judge Clements, joining you from the Silicon Valley office. With you

9 there in person are Judges Bisk and Kauffman. When referring to the

10 demonstratives, since I'm remote, please describe any slides by slide

11 number so that I can follow along.

1   Per our order, each party is going to have 45 minutes to

2   present its argument. Petitioner has the burden to show

3   unpatentability of the original claims, so Petitioner will proceed first,

4   followed by Patent Owner and Petitioner may reserve time to rebut

5   Patent Owner's opposition.

6   At this time, we would like counsel to introduce yourselves

7   and who you have with you, beginning with Petitioner, please.

8   MS. KEEFE: Thank you very much, Your Honor, good

9   afternoon, my name is Heidi Keefe from the Cooley Law Firm here

10 today representing Petitioner, Facebook. With me at counsel table

11 is -- I'm sorry, I just had an incredible moment that I can't even

12 remember the name of somebody I work with on a daily basis, his

13 name is Andrew Mace, Andrew is an associate who works with me at

14 Cooley, and behind me is Phil Morton, a partner in our firm.

15   MR. GOETZ: Good afternoon, Your Honor, John Goetz

16 from Fish & Richardson on behalf of Patent Owner Rembrandt, I have

17 no one with me at counsel table, but I do have the president of

18 Rembrandt here in the audience. Thank you, Your Honor.

19   JUDGE CLEMENTS: Thank you, Mr. Goetz.

20   Ms. Keefe, would you like to reserve any time for rebuttal?

21   MS. KEEFE: I would, Your Honor, I would like to reserve

22 approximately 25 minutes of my time for rebuttal.

23   JUDGE CLEMENTS: Okay, 25 minutes, so you have 20

24 minutes for your opening, and you may begin when you're ready.

1   MS. KEEFE: Thank you very much, Your Honor. Just so

2   the record is incredibly clear, I actually do remember Mr. Mace's

3   name and I am incredibly embarrassed that I did not remember it a

4   few minutes ago.

5   We are here today to challenge the patentability of the '316

6   patent. The '316 patent, in essence, has a number of large elements.

7   The first of those is a diary program, or in other words, a piece of

8   software that is sent from a server down to a user's computer to assist

9   in creating what is called a cohesive diary page, which essentially is a

10   web page with content information on it.

11   All of those elements are found in the Salas, Tittel and

12   Parker references. The parties uniquely here are really only

13   challenging one of the elements, and that is whether or not privacy

14   level information is sent from the server down to the user's computer,

15   and then there's a little bit of a dispute, also, as to what is done with

16   that information.

17   I realize that it is our burden to show each and every

18   element, but because the Patent Owner does not dispute the existence

19   of a diary program or content information being sent down, or that

20   information being combined to represent a page, I would not go

21   through those necessarily unless the Board would like me to, and if

22   you would like me to go through each element here in oral argument, I

23   can; otherwise I'll just focus on the disputed elements.

24   Claims 1 and 16, and for Judge Clements, I am literally

25   walking directly through my PowerPoint slides, I am right now on

1   PowerPoint slide demonstrative number 2, just claim 1 is one of the

2   independent claims, and the second limitation, "sending diary

3   information," is a limitation we're going to be focusing on from this

4   claim.

5   Claim 17 is the other independent claim, and as I said, this is

6   now slide 4, the element that we'll be focusing on, "sending diary

7   information from the diary server to the user system, the information

8   comprising content data including an associated time, a page design to

9   specify the presentation of the content data, and configuration

10   information for controlling behavior of a cohesive diary page, the

11   configuration information including privacy level information."

12   The dispute centers around whether or not the configuration

13   information that is sent from the server to the user's computer includes

14   privacy level information. The Board has, we believe, properly

15   construed configuration information to be information that determines

16   what information will be displayed to a user, who is viewing the

17   cohesive diary page. The entire claim is about how the page is going

18   to be presented for a given user, a single user of that user's computer.

19   The claim limitation goes on to say that configuration

20   information; in other words, information that determines what

21   information will be displayed to a user, also must include privacy

22   level information. The Board correctly found that to be construed as

23   configuration information that describes or specifies at least one user,

24   or category of users, permitted to view particular content on a

25   cohesive diary page.

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