

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GLOBAL TEL*LINK CORPORATION,
Petitioner,

v.

SECURUS TECHNOLOGIES, INC.,
Patent Owner.

IPR2014-00785
Patent 6,636,591

Held: June 3, 2015

BEFORE: KEVIN F. TURNER, BARBARA A. BENOIT, and
GEORGIANNA W. BRADEN, Administrative Patent Judges.

The above-entitled matter came on for hearing on Wednesday,
June 3, 2015, commencing at 1:01 p.m., at the U.S. Patent and
Trademark Office, 600 Dulany Street, Alexandria, Virginia.

IPR2014-00785
Patent 6,636,591

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ON BEHALF OF THE PETITIONER:

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P R O C E E D I N G S

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JUDGE BENOIT: Good afternoon, everyone. I'm Judge Benoit and appearing on the video are Judges Turner and Braden. We are convened today for oral argument in IPR2014-00785, which challenges U.S. Patent 6,636,591.

Each side has one hour to argue. The Petitioner has the ultimate burden of establishing unpatentability and will argue first. Both parties may reserve rebuttal time.

Judge Turner and Judge Braden will not have the benefit of visual cues in the room. So when you speak referring to an exhibit or demonstrative, please identify it by page or slide number before you start to speak. Also, when you begin your argument, please identify yourself and the party you represent so the record will be clear.

Briefly before we begin with your arguments, we would like to address the panel's objections to each other's demonstratives, which were filed by each party on May 30th. We would like to remind the parties that demonstratives are not evidence, but rather they are aids to facilitate our understanding of your presentations today.

1 The panel is capable of determining whether
2 information in a demonstrative is improper and we will not rely
3 on improper information in our final written decision. Also,
4 there's no jury here and so that there's no jury that might be
5 confused by such information. Therefore, we're not going to
6 spend time this afternoon ruling on or discussing any of the
7 objections.

8 With that, Petitioner, you may begin when ready.

9 MR. SPECHT: Good afternoon, Your Honors. My
10 name is Michael Specht. I'm a partner and head of the
11 Electronics Practice Group at Stern Kessler Goldstein & Fox. I'm
12 here today with Dr. Steven Peters, one of the backup counsel,
13 also of Sterne Kessler. I also have two of our other backup
14 counsel, Mr. Yonan and Mr. Ray, from our firm also in
15 attendance.

16 I am here on behalf of Global Tel*Link and we would
17 like to reserve 30 minutes of our time for rebuttal.

18 Your Honors, Petitioners have demonstrated that all
19 claims of the '591 patent are unpatentable. Patent Owner has
20 provided no credible evidence or arguments to rebut this. Today
21 we simply want to highlight our key arguments, discuss the flaws
22 in their positions and answer any questions that you may have.

23 I am putting up slide number 2. Just to remind us of the
24 instituted grounds, there's one instituted ground. It is an
25 obviousness based rejection. It rejects all Claims 1 through 10 of

1 the '591 patent. Claims 1 and 9 are the independent claims. They
2 are very similar and there are two references, the Karacki
3 reference and Gainsboro '843 that are the references of interest
4 today.

5 Your Honors, in instituting this trial, the panel citing
6 KSR commented, obviousness must be gauged in a view of
7 common sense and the creativity of a person of ordinary skill in
8 the art. Obviousness can be established when the prior art itself
9 suggests the claimed subject matter to the person of ordinary skill
10 in the art.

11 Your Honors, we believe that we have demonstrated
12 both under common sense as well as the art that the '591 patent
13 claims, all of the claims are obvious.

14 The '591 patent is directed towards affecting inmate
15 behavior -- and I'm on slide 3 -- affecting inmate conduct through
16 providing discounted telephone rates based on certain criteria.
17 There are two general concepts there. One is inmate programs,
18 inmate incentive programs to promote good behavior and
19 telephone discounts.

20 Inmate incentive programs have been around for
21 centuries. As the demonstrative states, the notion of good time
22 where inmates are rewarded for good behavior with early release
23 was first passed in the law in 1817. This notion of inmate
24 incentive programs, it's been around for centuries and, in fact, in
25 the Karacki reference it notes that it can hardly be said that there's

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