

trials@uspto.gov

571-272-7822

IPR2016-00019, Paper No. 26

IPR2016-00020, Paper No. 26

February 9, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

OLD REPUBLIC GENERAL INSURANCE GROUP, INC.;
OLD REPUBLIC INSURANCE COMPANY; OLD REPUBLIC
TITLE INSURANCE GROUP, INC.; and OLD REPUBLIC
NATIONAL TITLE INSURANCE COMPANY,
Petitioners,

v.

INTELLECTUAL VENTURES I LLC,
Patent Owner.

IPR2016-00019; IPR2016-00020
Patent 6,510,434 B1

Held: January 10, 2017

BEFORE: MEREDITH C. PETRAVICK, JENNIFER S. BISK,
and SHEILA F. McSHANE, Administrative Patent Judges.

The above-entitled matter came on for hearing on Tuesday,
January 10, 2017, commencing at 1:00 p.m., at the U.S. Patent
and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

IPR2016-00019; IPR2016-00020

Patent 6,510,434 B1

APPEARANCES:

ON BEHALF OF THE PETITIONER:

JOSEPH MICALLEG, ESQ.
SAMUEL A. DILLON, ESQ.
Sidley Austin LLP
1501 K Street, NW
Washington, DC 20005

ON BEHALF OF PATENT OWNER:

JAMES P. MURPHY, ESQ.
HENRY A. PETRI, JR., ESQ.
RUSS RIGBY, ESQ.
Polsinelli
1000 Louisiana Street, 53rd Floor
Houston, Texas 77002

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

P R O C E E D I N G S

- - - - -

JUDGE McSHANE: Good afternoon, everyone. We are here this afternoon for a final hearing in the cases IPR2016-00019 and 00020. These are the Old Republic General Insurance Group, et al., v. Intellectual Ventures I LLC.

If we could have the parties' appearances. Start with Petitioners, please.

MR. MICALLEF: Good afternoon, Your Honor, Joe Micallef for Petitioners, with me is my colleague, Sam Dillon, and my client, Tom Dare.

JUDGE McSHANE: And will you be speaking on behalf of the Petitioners?

MR. MICALLEF: I will, Your Honor.

JUDGE McSHANE: Thank you.

And if we could have Patent Owner, please.

MR. MURPHY: Good morning, Your Honors. James Murphy, and with me is Henry Petri, Jr., from Polsinelli P.C. We're representing Intellectual Ventures. And with us in the audience is Russ Rigby, who is a representative of the Patent Owner. And I will be speaking today, Your Honor.

JUDGE McSHANE: You will be speaking, good, thank you very much. I'm sorry for speaking over you.

Okay, we issued a trial -- rather an order for the presentation of this hearing. I'm just going to briefly review the order. We're going to hear both cases together, the arguments

IPR2016-00019; IPR2016-00020

Patent 6,510,434 B1

1 together. Each side will have an hour in total. We're going to
2 start with the Petitioner, they're going to put on their case in chief,
3 if you will. You can reserve time for rebuttal. Then we'll hear
4 from Patent Owner who will provide your opposition, and you
5 can also address your motion to exclude if you so choose. Then
6 we will allow rebuttal from Petitioners, and if Petitioners raise
7 any issues that you would like to address concerning the motion
8 to exclude, you can address that then.

9 Any questions on that procedure? Any issues?

10 MR. MICALLEF: No, Your Honor.

11 MR. MURPHY: No.

12 JUDGE McSHANE: A few other things of note. If
13 you're using demonstratives, and it appears you are, if you could
14 please try to call out the number of the sheet you're on. It helps to
15 keep the record clear. Also, please use the microphone at the
16 podium, it helps the court reporter quite a bit.

17 And one last thing. Here in this hearing, we will not
18 address objections as they come up. So, please if you have an
19 objection, you can raise the objection, but please raise it once it's
20 your argument time. If somebody has stated something that you
21 have an objection to in the final portion of the argument, please
22 let us know and we will not adjourn the hearing until you have a
23 chance to get that objection on the record.

24 Okay, and with that, we will start argument. And,
25 Petitioners, you can proceed, and do you wish to reserve rebuttal
26 time?

1 MR. MICALLEF: I would, Your Honor. I would like
2 to reserve 15 minutes if I may.

3 JUDGE McSHANE: And we have a very fancy
4 tracking system here. So, we will start that up, and hopefully this
5 will work for you.

6 MR. MICALLEF: I think it's new, isn't it? The clock?

7 JUDGE BISK: No, it's very old. I don't remember.

8 JUDGE McSHANE: So, off to the races.

9 MR. MICALLEF: Thank you, good afternoon again,
10 Joe Micallef for Petitioners. I do have a number of
11 demonstratives, more than I can probably get to. I will -- I would
12 like to just start with slide 28, just to point out, as you mentioned,
13 there are two proceedings at issue here, a number of different
14 grounds; however, they are all based on the same principal prior
15 art reference, the Okamoto patent. There are a couple of other
16 prior art references in play, I will refer to them, but obviously I'm
17 going to be talking about Okamoto the most.

18 So, on slide 3, I have a sort of a rough roadmap of the
19 slides. And I doubt, as I said, I will be able to get to everything,
20 and in fact, I may -- I'm going to start sort of going down this, but
21 I may jump around and I'm certainly happy to jump around if
22 Your Honors have questions, but if left to my own devices, I may
23 skip over some things, in particular based on the order that issued
24 yesterday in the *IBM*, what I'm calling the other IPR on the '434
25 patent, because I think it may have resolved some things, but I'm
26 happy to answer questions on any of these issues.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.