

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC,
Petitioner,

v.

NONEND INVENTIONS N.V.,
Patent Owner.

Case IPR2016-00174
Patent 8,090,862 B2

Held: February 8, 2017

BEFORE: MICHAEL W. KIM, JENNIFER S. BISK, and
DANIEL N. FISHMAN, Administrative Patent Judges.

The above-entitled matter came on for hearing on Wednesday,
February 8, 2017, commencing at 1:00 p.m., at the U.S. Patent
and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

Case IPR2016-00174
Patent 8,090,862 B2

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ON BEHALF OF PATENT OWNER:

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1 JUDGE BISK: Okay. And the Patent Owner?

2 MR. ANTONELLI: Matt Antonelli. I represent
3 Nonend.

4 JUDGE BISK: Okay. Thank you. All right.
5 Whenever you're ready.

6 MR. CAVANAUGH: Thank you, Your Honor.

7 May it please the Board, I'm Dave Cavanaugh. As I
8 mentioned a moment ago, the Petitioner is Unified Patents and
9 this inter partes review is centered around an issue of streaming
10 video data and we'll be talking about a variety of attributes of
11 that. The Board in the Decision on Institution granted three
12 different grounds. We'll talk about each of those grounds and
13 address the particular issues raised by the Patent Owner.

14 Before that so that everyone is on the same page, we'll
15 provide a brief description of the '862 patent and then provide an
16 overview of the prior art. I'd like to reserve just for the record 10
17 minutes of rebuttal time and my colleague and I will split the
18 argument for the first part and up until the description of the first
19 ground I will be presenting and then Jonathan Stroud will be
20 presenting for the second and third grounds and we'll make that
21 transition as smooth as possible.

22 JUDGE BISK: Okay. Thank you.

23 MR. CAVANAUGH: So the '862 patent, as I
24 mentioned, relates to a way of streaming data. I think what we've
25 presented on slide 3 here is kind of a representative illustration,

1 Figure 13 of the '862 patent and, you know, essentially the center
2 circle is a consumer node that is going to -- getting ready or in
3 this case receiving media stream and information from another
4 node, a first node, getting the information stored in the buffer and
5 then out in the green lines, which I've added just for clarity, the
6 green line going down to the consumer manager, which is in the
7 center of the consumer node circle out to the stream target, which
8 is on the lower right-hand side of the illustration.

9 And so the consumer node just as a circle is both
10 receiving and buffers the information from the first node and then
11 passes that information to the stream target.

12 You know, so following Figure 13, Figure 14 describes
13 a circumstance, and this is illustrated on slide 4, where a second
14 node is included that is -- and that's shown on the left-hand side
15 of Figure 14, on the top left-hand side, and that is kind of an
16 indication that the consumer node is seeking or requesting for the
17 media potentially to come from node B. Perhaps it's a slow
18 connection. Perhaps the data connection is not as robust from
19 node A and the consumer node is seeking another node to gain
20 the data. And that's what's represented here.

21 And then once there is a switch-off, let's say node B is
22 -- and this is on slide 5. Node B is demonstrated to be a better
23 quality node to provide the content. The node will switch and
24 information will proceed from node -- from node B to the

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