

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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TV MANAGEMENT, INC., D/B/A GPS NORTH AMERICA,  
Petitioner,

vs.

PERDIEMCO, LLC,  
Patent Owner.

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Case IPR2016-01061 (Patent 8,223,012)  
Case IPR2016-01064 (Patent 9,003,499)  
Case IPR2016-01278 (Patent 9,071,931)

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Record of Oral Hearing  
Held: September 12, 2017

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Before WILLIAM V. SAINDON, CARL M. DEFRANCO, and  
AMBER L. HAGY, *Administrative Patent Judges*.

Case IPR2016-01061 (Patent 8,223,012)

Case IPR2016-01064 (Patent 9,003,499)

Case IPR2016-01278 (Patent 9,071,931)

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The above-entitled matter came on for hearing on Tuesday, September 12, 2017, commencing at 9:29 a.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

Case IPR2016-01061 (Patent 8,223,012)

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1

PROCEEDINGS

2

JUDGE SAINDON: Please be seated. Good

3

morning. I'm Judge Saindon. With me here today

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are Judges DeFranco -- and joining us via video

5

link in a moment will be Judge Hagy from our Dallas

6

office.

7

This is an oral hearing for IPR2016-01061,

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64, and 01278. We have scheduled for today 75

9

minutes for both parties to use between the cases

10

as they see fit. Petitioner, you'll be able to

11

reserve some time for rebuttal. So if you'd like

12

to let me know in advance, then I'll put your clock

13

with the time that you've kept for your main

14

argument and we can reserve the rest of the time.

15

Before you get started, we'll do our brief

16

introductions with the parties. We'll start with

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patent owner.

18

MR. WHITEHURST: Good morning, Your Honors.

19

Alan Whitehurst from Quinn Emanuel on behalf of the

20

patent owner, PerDiem. And with me today is my

21

colleague, Ms. Marissa Ducca. And also with me is

22

in-house counsel for PerDiem, Mr. Robert Babayi.

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1 JUDGE SAINDON: Good morning. Petitioner?

2 MR. GANTI: Good morning, Your Honors. For  
3 the petitioner, Vivek Ganti. And with me as  
4 back-up counsel is Steve Hill with the firm of  
5 Hill, Kertscher & Wharton.

6 JUDGE SAINDON: Good morning. All right.  
7 Petitioner, you may approach the podium and set up  
8 and begin when ready. Let me know if you'd like to  
9 reserve some time for rebuttal.

10 MR. GANTI: If I may, I would like to  
11 reserve 30 minutes for rebuttal.

12 JUDGE SAINDON: Also, one preliminary thing  
13 before you get started. We saw the objections from  
14 petitioner on the slides. Is that correct?

15 MR. GANTI: Yes. That is correct, Your  
16 Honor.

17 JUDGE SAINDON: And there were none from  
18 patent owner?

19 MS. DUCCA: That's correct, Your Honor.

20 JUDGE SAINDON: Okay. Given the nature of  
21 the objections directed to whether something was  
22 raised in a brief, we will only rely on stuff that

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1 is in the brief, so there's no need to rule on  
2 those objections. Patent owner, you may present  
3 your slides.

4 MR. WHITEHURST: Thank you.

5 MR. GANTI: Okay. Good morning, Your  
6 Honors. As I introduced myself before, my name is  
7 Vivek Ganti. I'm counsel for the petitioners.

8 The patents at issue in these three  
9 proceedings relate to a series of continuation  
10 applications that claim priority to an original  
11 patent application filed back in December 2005. As  
12 stated in the petitions, the claims at issue use  
13 broad and over-generalized claim language to claim  
14 the claimed embodiments of these patents.

15 The petitioners are software companies that  
16 do fleet tracking. And they were charged with  
17 infringing these claims. Now, the petitioners have  
18 faced the -- have confronted the patent owners and  
19 provided them with prior art. In response, the  
20 patent owner is seeking to subtly import  
21 limitations from the specification into its broader  
22 claims. The patent owner tried to do this in their

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