

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EMC CORPORATION,
PETITIONER,

V.

INTELLECTUAL VENTURES II LLC,
PATENT OWNER.

Case IPR2016-01106
Patent 6,516,442 B1

Record of Oral Hearing
Held: September 7, 2017

Before JUSTIN T. ARBES, BRIAN J. McNAMARA, and MINN CHUNG,
Administrative Patent Judges.

Case IPR2016-01106
Patent 6,516,442 B1

APPEARANCES:

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ALSO PRESENT:
TOM BROWN
JAMES HIETALA

The above-entitled matter came on for hearing on Thursday,
September 7, 2017, commencing at 1:30 p.m. at the U.S. Patent and
Trademark Office, 600 Dulany Street, Alexandria, Virginia, in Courtroom
A.

1 PROCEEDINGS

2 JUDGE ARBES: Good afternoon. Please be seated.

3 Welcome. This is the oral hearing in Case
4 IPR2016-01106 involving Patent 6,516,442.

5 Can counsel please state your names for the
6 record?

7 MR. DICHIARA: Yes. My name is Peter Diciara,
8 and with me today is Theodoros Konstantakopoulos for
9 petitioner.

10 MR. KING: Good afternoon, your Honors. I am John
11 King, lead counsel for the Patent Owner Intellectual
12 Ventures. With me at counsel table is backup counsel Bridget
13 Smith. And behind me, I'd just like to introduce James
14 Hietala, representative of patent owner.

15 JUDGE ARBES: Thank you.

16 Per the Trial Hearing Order in this case, each
17 party will have 30 minutes of time to present arguments. And
18 the order of presentation is first petitioner will present
19 its case regarding the challenged claims and may reserve time
20 for rebuttal. Patent owner then will respond to petitioner's
21 presentation and petitioner then may use any remaining time
22 to respond to patent owner's presentation.

23 Two reminders before we begin. To ensure that the
24 transcript is clear, and because we have one judge participating
25 remotely, please only speak at the podium and try to refer to
26 your demonstratives by slide number.

1 Also, if either party believes that the other
2 party is presenting improper argument, I would ask you to
3 please raise that issue during your own presentation rather
4 than interrupting the other side.

5 Any questions before we begin?

6 MR. DICHIARA: No, your Honor.

7 JUDGE ARBES: Counsel for petitioner, you may
8 proceed. Would you like to reserve time for rebuttal?

9 MR. DICHIARA: Yes, I would.

10 Good afternoon. May it please the board, my name
11 is Peter Diciara and with he today is Theodoros
12 Konstantakopoulos and we represent the Petitioner EMC in the
13 matter IPR2016-01106. With us today is Mr. Tom Brown from
14 the petitioner.

15 We're here today to discuss the '442 patent and
16 why the challenged claims are unpatentable, and my intent is
17 to first begin discussing the issues under the board's
18 current construction and then to reserve any remaining time
19 for rebuttal.

20 And on the screen here on slide 3, I have a figure
21 from the '442 patent. The '442 patent discloses what's known
22 as a shared memory multiprocessor system. As you can see in
23 the figure, it has a switch fabric shown in red, switch
24 interfaces shown in green, processor and memory interfaces
25 shown in purple and yellow, respectively, and not shown in
26 the figure is that the interfaces perform error correction.

1 Reschke is our primary reference. And as we see
2 on slide 5, Reschke is also a shared memory multiprocessor
3 system. And we use the same color coding to depict that it
4 has the same basic components as the '442 patent. Reschke's
5 main thrust, in fact, is dealing with errors in switches.

6 Turning to slide 6, I have identified what I
7 believe are the disputes under the board's current
8 construction.

9 And in slide 7, I have the board's current claim
10 constructions for channel, switch fabric and packet, just as
11 a reminder.

12 In turning to what I believe is the first issue,
13 which is whether or not Reschke's channels are full duplex
14 channels, on slide 8, I have our annotated figures for
15 figures 4A and 4B. And as background, the patent owner does
16 not dispute that Reschke's channels are bi-directional
17 channels. Instead, their argument seems to be that the
18 petitioner did not do enough to establish that these channels
19 are specifically full duplex channels, which is a form of
20 bi-directional channel, as is half duplex. Those are the two
21 species, if you will, of bi-directional channels. And
22 petitioner believes that patent owner is just wrong on that
23 point.

24 You'll recall that our petition discussed these
25 figures at length, as did Dr. Clark. And in connection with
26 those -- that discussion, we had discussed figure 4A for the

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