

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FACEBOOK, INC.,
Petitioner,

v.

WINDY CITY INNOVATIONS, LLC,
Patent Owner.

Case IPR2016-01067¹; Patent 8,407,356 B1
Case IPR2016-01141²; Patent 8,458,245 B1
Case IPR2016-01155³; Patent 8,694,657 B1
Case IPR2016-01156⁴; Patent 8,458,245 B1
Case IPR2016-01157; Patent 8,407,356 B1
Case IPR2016-01158; Patent 8,473,552 B1
Case IPR2016-01159⁵; Patent 8,694,657 B1

Record of Oral Hearing
Held: October 19, 2017

Before KARL D. EASTHOM, DAVID C. McKONE, and MELISSA A.
HAAPALA, *Administrative Patent Judges*.

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- ¹ Case IPR2017-00624 has been joined with this proceeding
² Case IPR2017-00655 has been joined with this proceeding
³ Case IPR2017-00622 has been joined with this proceeding
⁴ Case IPR2017-00709 has been joined with this proceeding.
⁵ Case IPR2017-00659 has been joined with this proceeding.

IPR2016-01067; Patent 8,407,356 B1, et al.

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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The above-entitled matter came on for hearing on Thursday, October 19, 2017, commencing at 9:00 a.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

P R O C E E D I N G S

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JUDGE EASTHOM: Good morning. I see my colleagues are
3 online. I'm Judge Easthom. We have Judge Haapala in Denver and Judge
4 McKone to my right in Detroit. This is the group of cases Facebook, Inc.,
5 petitioner, versus Windy City Innovations, LLC. There are four patents
6 challenged here and there are seven different cases but with five joinders for
7 five of these cases. Cases IPR2016-1067, 1141 and then 1155 through 1159.
8 The patents involved are 8,407,356, 8,458,245, 8,694,657, and then
9 8,473,552.

10

Petitioner, can we begin with you introducing yourself for the
11 record, please.

12

MS. KEEFE: My pleasure, Your Honor. Heidi Keefe for
13 petitioner, Facebook. And with me is my colleague, Dan Knauss. Also just
14 so the record is clear, in the audience, Andrew Cates is an associate who
15 works with us. And Kate Duval is from Facebook, the client.

16

JUDGE EASTHOM: Welcome everyone. How about patent
17 owner?

18

MR. RUBINO: Good morning, Your Honor. Vincent Rubino
19 from the law firm of Brown Rudnick on behalf of patent owner, Windy City.
20 And with me also from the law firm of Brown Rudnick is Enrique Iturralde.

21

JUDGE EASTHOM: I'm sorry, can you pronounce his name
22 again.

23

MR. RUBINO: Sure. Enrique Iturralde.

24

JUDGE EASTHOM: Thank you. A couple preliminaries, we sent
25 out a hearing order and these cases are all related. In fact, I think you can

1 correct me later, but I think all the specs are continuations from the same
2 common ancestor patent. So with that, we decided that we have all these
3 overlapping issues, each side is granted an hour and a half. Petitioner will
4 go first and then save any rebuttal time you want. Patent owner, prior to the
5 rebuttal time, of course, will respond, and then we'll go from there.

6 With that, why don't we proceed. And Ms. Keefe, I suppose you
7 are going to start.

8 MS. KEEFE: It's my pleasure, Your Honor. And I'll be beginning
9 and if it please the Court, we would like to reserve 40 minutes. So our
10 opening conversation will last hopefully less than but aimed at 50 minutes. I
11 will be speaking on the petitions that revolve around the primary Roseman
12 reference that were originally filed by Facebook, and I'll do that for about
13 30 minutes. Mr. Knauss will then stand up and address the petitions that
14 Microsoft originally filed that Facebook joined, and he'll do that for about
15 20 minutes. Since so many of the issues are in common, most will be dealt
16 with in my presentation, and then only those unique to the Microsoft
17 petitions will be dealt with by Mr. Knauss.

18 JUDGE EASTHOM: Thank you.

19 MS. KEEFE: As Your Honor already mentioned, while there are a
20 number of petitions here, they really revolve around very similar issues.
21 With respect to the issues that I'm going to speak to, these are all addressing
22 the Roseman reference as the primary reference with additional the
23 Rissanen, Vetter, Pike, Westaway or Lichty references offered for basically
24 support and/or limited elements in dependent claims. I just have copies of

1 the claims here in your presentation, and we'll refer back to them as
2 necessary.

3 In terms of claim construction across all of the cases, really though
4 these are relatively long patents and relatively lots of claims, the debates turn
5 on a small subset of issues. And that small subset of issues seems to revolve
6 around the words "token", "censor", "channel", "database" and "pointer".

7 With respect to token, the parties do not dispute that the definition
8 being given in this proceeding is piece of information associated with user
9 identity. Channel, the parties don't dispute the Board's interpretation, the
10 channel is a group of participator computers in active communication.
11 Similarly, the parties do not dispute the Board's interpretation of pointer or
12 pointer triggered message on demand as a link or reference to a file, data or
13 service and then a message where the content of the message is specified by
14 a pointer and found on demand of the operator of the participator software.

15 Instead, the dispute seems to revolve --

16 JUDGE EASTHOM: Excuse me, Ms. Keefe, I'm sorry to
17 interrupt. I should have mentioned this earlier. It might be best if you
18 would just point out what slide number you are on.

19 MS. KEEFE: Absolutely. I apologize to the remote users. I was
20 on slide 7 discussing the Board's constructions that were being applied.

21 JUDGE MCKONE: I assume this is the slide deck for the 1156
22 through 59 matters?

23 MS. KEEFE: That's correct, Your Honor. Thank you very much.
24 That's the one that lists all four of the petitions on the front. That's the

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