

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

vs.

PERDIEMCO, LLC,
Patent Owner.

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

Record of Oral Hearing
Held: September 12, 2017

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)

APPEARANCES:

ON BEHALF OF PETITIONER:

VIVEK A. GANTI, ESQUIRE
Hill, Kertscher & Wharton, LLP
3350 Riverwood Parkway
Suite 800
Atlanta, Georgia 30339
(770) 953-0995
vg@hkw-law.com
STEVEN G. HILL, ESQUIRE
Hill, Kertscher & Wharton, LLP
3350 Riverwood Parkway
Suite 800
Atlanta, Georgia 30339
(770) 953-0995
sgh@hkw-law.com

ON BEHALF OF PATENT OWNER:

ALAN WHITEHURST, ESQUIRE
Quinn, Emanuel, Urquhart & Sullivan, LLP
777 6th Street Northwest
11th Floor
Washington, D.C. 20001
(202) 538-8103
alanwhitehurst@quinnemanuel.com
MARISSA R. DUCCA, ESQUIRE
Quinn, Emanuel, Urquhart & Sullivan, LLP
777 6th Street Northwest
11th Floor
Washington, D.C. 20001
(202) 538-8109
marissaducca@quinnemanuel.com

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.

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1

PROCEEDINGS

2

JUDGE SAINDON: Please be seated. Good

3

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

4

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,

8

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

17

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.

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

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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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