## UNITED STATES PATENT AND TRADEMARK OFFICE

## BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY CORPORATION, SONY MOBILE COMMUNICATIONS (USA) INC., SONY MOBILE COMMUNICATIONS AB, and SONY MOBILE COMMUNICATIONS INC., Petitioner,

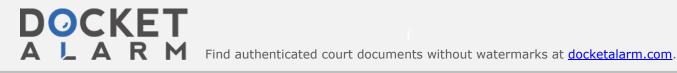
v.

CREATIVE TECHNOLOGY LIMITED, Patent Owner.

> Case IPR2016-01407 Patent 6,928,433

Record of Oral Hearing Held: August 29, 2017

Before THOMAS L. GIANNETTI, PATRICK M. BOUCHER, and MELISSA A. HAAPALA, *Administrative Patent Judges*.



#### APPEARANCES

## ON BEHALF OF THE PETITIONER:

MICHAEL N. RADER, ESQ. JOSHUA J. MILLER, ESQ. Wolf, Greenfield & Sacks, P.C. 600 Atlantic Avenue Boston, Massachusetts 02201

### ON BEHALF OF THE PATENT OWNER:

JONATHAN D. BAKER, ESQ. MICHAEL D. SAUNDERS, ESQ. Farney Daniels, P.C. 411 Borel Avenue Suite 350 San Mateo, California 94402

ALSO PRESENT:

DOCKET

Russell Swerdon, Esq.

The above-entitled matter came on for hearing on Tuesday, August 29, 2017, commencing at 1:00 p.m. at the U.S. Patent and Trademark Office, 1961 Stout Street, 14<sup>th</sup> Floor, Room D, Denver, Colorado 80202.

1	PROCEEDINGS
2	WHEREUPON, the following proceedings were
3	taken pursuant to the Patent Trial and Appeal Board.
4	* * * * *
5	JUDGE HAAPALA: Good afternoon and welcome to
6	Denver. I'm Judge Haapala. This is Judge Boucher. And
7	appearing on videoconference in Alexandria is Judge
8	Giannetti. Let's begin with your appearances. Let's start
9	with petitioner. Would you please approach the microphone.
10	MR. RADER: Thank you, Your Honor. Michael
11	Rader from Wolf, Greenfield & Sacks on behalf of the Sony
12	entity petitioners, and with me is my colleague, Josh Miller.
13	JUDGE HAAPALA: Mr. Rader, will you be
14	presenting for petitioner?
15	MR. RADER: Yes, I will.
16	MR. BAKER: Good morning, Your Honor. I'm
17	Jonathan Baker from Farney Daniels on behalf of the patent
18	owner, Creative Technology Limited. And with me today is my
19	colleague, Michael Saunders, from Farney Daniels as well.
20	And also with us today is Russell Swerdon, in-house counsel
21	at Creative Labs.
22	JUDGE HAAPALA: And, Mr. Baker, are you
23	presenting for patent owner?
24	MR. BAKER: Yes, I am.
25	JUDGE HAAPALA: Okay. I'd like to go over how
26	we're going to proceed today. Each party is going to have

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1 45 minutes of time to present its arguments. Petitioner, you 2 have the burden, so we'll begin with you. Patent owner, you 3 will get a chance to respond to petitioner's arguments. 4 Petitioner, you can reserve rebuttal time if you want. So in our order of June 13, we also authorize 5 6 patent owner, if you choose, to address at this hearing any 7 arguments or evidence that you feel that the petitioner 8 presented in its reply that are not permitted under the 9 proper scope of our rules. So petitioner if patent owner 10 presents any such arguments, you can respond. 11 Please remember that Judge Giannetti will not 12 be able to hear you unless you speak into the microphone. 13 And I understand that both parties have demonstratives. 14 We've reviewed the submissions, we've reviewed petitioner's 15 objections, and we decided that both parties can use their 16 demonstratives as aids to oral arguments, but they're not 17 evidence, and neither party is going to be authorized to submit 18 the demonstratives as evidence, so we're not going to rule on 19 the objections at this time. 20 As a reminder, Judge Giannetti is not going to 21 be able to see your slides, so please when you're making your 22 presentation, refer to the slide number as you're going 23 through it during your argument. I'd also like to remind the 24 parties that we will not entertain any speaking objections. 25 If you have an issue, you can raise it during your time. 26 So petitioner, you can begin when you're

1 ready.

2 MR. RADER: Thank you, Your Honor. I'm going 3 to reserve up to about 15 minutes for rebuttal, although, I 4 may run into that a little bit in my affirmative 5 presentation, in which case, I'll just reserve a little bit 6 less, if that's okay. 7 So what I'd like to do in the 30 to 35 minutes 8 that I have now is to do two things. First, I'm going to 9 take just about six or seven minutes to do a little bit of 10 review. Obviously, what the 433 patent is about and what the 11 two primary prior art references disclose, the Birrell 12 reference and the Seidensticker reference. And, of course, 13 what the combination looks like. So what it looks like when 14 you take the hierarchically organized user interface of Seidensticker and use it to display the hierarchically 15 16 organized music data of Birrell. 17 JUDGE BOUCHER: Can I interrupt just for a 18 minute. I just wanted to ask the technician to move the 19 camera. Apparently they can't see the podium clearly -- the 20 camera is focused on us -- so that Judge Giannetti can --21 thank you. 22 MR. RADER: As you'll see, the combination of 23 the Seidensticker interfaced with the Birrell data looks just 24 like the preferred embodiment of the 433 patent. Now that 25 background is very important, because the

26 Birrell-Seidensticker combination itself, there's very little

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