UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SYMANTEC CORPORATION,
Petitioner,

v.

INTELLECTUAL VENTURES I LLC,
Patent Owner

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Case IPR2016-01433
Patent 7,757,298 B2

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Record of Oral Hearing
Held: October 12, 2017

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Before THOMAS L. GIANNETTI, HYUN J. JUNG, and GREGG I. ANDERSON, *Administrative Patent Judges.*

APPEARANCES:

ON BEHALF OF THE PETITIONER:

      JOSEPH J. RICHETTI, ESQ.
      ALEXANDER WALDEN, ESQ.
      Bryan Cave LLP
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ON BEHALF OF PATENT OWNER:

      JOHN KING, ESQ.
      TED M. CANNON, ESQ.
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      Irvine, California 92614

      The above-entitled matter came on for hearing on Thursday, October 12, 2017, commencing at 1:00 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

1	P R O C E E D I N G S
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3	JUDGE JUNG: Good afternoon. This is the final hearing for
4	case IPR2016-01433 between the Petitioner, Symantec Corporation, and
5	Patent Owner, Intellectual Ventures I LLC.
6	Starting with counsel for Petitioner, followed by counsel for
7	Patent Owner, please state your names for the record.
8	MR. RICHETTI: Good afternoon, Your Honor, Joseph Richetti
9	from Bryan Cave for Symantec. With me, my colleague Alexander
10	Walden, also from Bryan Cave.
11	JUDGE JUNG: Thank you.
12	MR. KING: Good morning, Your Honor. My name is John
13	King. I am lead counsel for Patent Owner Intellectual Ventures. With
14	me at counsel table is Ted Cannon, back-up counsel, and then I would
15	also like to introduce Russ Rigby, a representative of the Patent Owner.
16	JUDGE JUNG: Thank you, welcome.
17	As stated in the trial hearing order, each party has 30 minutes of
18	total argument time. The panel has received your lists, joint lists of the
19	objections to the demonstratives and the panel will defer ruling on the
20	objections until after the hearing.
21	Also, when presenting your arguments, please stay close to the
22	microphone and state the slide number of the slide you're about to discuss
23	so that Judge Anderson, who is joining us remotely, can follow along.
24	With all that said, counsel for Petitioner, you may proceed
25	when you're ready.

1   JUDGE GIANNETTI: Mr. Richhetti, before you get started, I

2   want to ask you something. Did you forget something?

3   MR. RICHETTI: Oh, my tie?

4   JUDGE GIANNETTI: Yes.

5   MR. RICHETTI: Actually, it's a funny story, I actually had a

6   little accident at breakfast. So, I wasn't going to bring that up, but --

7   JUDGE GIANNETTI: All right. Well, we understand that. I

8   hope you're not suggesting that it's any sign of disrespect.

9   MR. RICHETTI: No. It's absolutely meant not to be

10 disrespectful.

11   JUDGE GIANNETTI: Normally we require ties, but under the

12 circumstances, we understand.

13   MR. RICHETTI: Understood, Your Honor. Appreciate that.

14   JUDGE JUNG: Mr. Richetti, would you like to reserve time

15 for rebuttal?

16   MR. RICHETTI: Yes, Your Honor, so the '298 patent -- oh, we

17 would like to reserve 10 minutes of rebuttal time.

18   JUDGE JUNG: You may proceed.

19   MR. RICHETTI: Thank you. The '298 patent, Your Honors, is

20 pretty straightforward and simple. The patent is directed to scanning files

21 on a computer in order to look for files that are known to be bad. There's

22 a bunch of examples given about the types of techniques and threshold

23 criteria. The techniques disclosed in the patent involve two steps: The

24 first step is trying to identify a suspect file. So, you know, as the patent

25 explains, this can involve scanning files in a directory or on a storage

4

1   device and creating a list of suspect files. And then you further analyze

2   these suspect or selected files by creating an ID value. The patent

3   explains it's a checksum that's used and then you compare it against a

4   pre-existing list of known files that are known to be bad. And if you get

5   a match, then you can characterize it as either a bad file or, you know, an

6   unauthorized file, as the claim would say.

7   If we could turn to the claim, slide 3. Sorry, we just had a little

8   technical difficulty, but on slide 3, the -- I'll just continue to go, the

9   independent claim follows the same structure. It's -- you know, it has the

10   preamble talks about a computer-implemented method for identifying

11   and characterizing. And what we see is, you know, the first step is

12   obviously under the control of one or more computers, and then it sets

13   out the different steps that the computer is going to be doing.

14   And the first one is the selecting. And the selecting step breaks

15   down into looking for three different types of, you know, threshold

16   criteria. And the three criteria, the most important for the IPR petition

17   are the two of them, the second and the third one. We're looking for files

18   that have -- that are -- you know, there's a mismatch based on content and

19   file extension, or we're looking for files that have data that have been --

20   that has been appended beyond the end of the file marker.

21   So, that's the selecting step, and at the end of that process,

22   you're going to have a list of suspect files. Now you're going to

23   generate -- you're going into more the characterizing part of the claim,

24   and you're going to generate an ID value, and the patent talks about a

25   checksum as being the way to do that. Then you're going to compute,

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