

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

CISCO SYSTEMS, INC.,  
Petitioner,

v.

UNILOC USA, INC.,  
Patent Owner.

---

Case IPR2017-00058 (Patent 7,804,948)  
Case IPR2017-00198 (Patent 7,853,000)

---

Record of Oral Hearing  
Held: January 18, 2018

---

Before KARL D. EASTHOM, KEN B. BARRETT, and JEFFREY S.  
SMITH, *Administrative Patent Judges*.

1Case IPR2017-00058 (Patent 7,804,948)

2Case IPR2017-00198 (Patent 7,853,000)

3

APPEARANCES:

ON BEHALF OF THE PETITIONER:

THEODORE M. FOSTER, ESQUIRE

DAVID MCCOMBS, ESQUIRE

Haynes and Boone, LLP

2505 N. Plano Road

Suite 4000

Richardson, Texas 75082

ON BEHALF OF PATENT OWNER:

BRETT MANGRAUM, ESQUIRE

Mangrum Law Group, PLLC

1515 N Town East Blvd

Suite 138

Mesquite, TX 75150

ALSO PRESENT:

DINA BILKSHTEYN, ESQUIRE

KEVIN K. MCNISH, ESQUIRE

The above-entitled matter came on for hearing Thursday, January 18, 2018, commencing at 1:00 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

1Case IPR2017-00058 (Patent 7,804,948)

2Case IPR2017-00198 (Patent 7,853,000)

3

1

P R O C E E D I N G S

2

JUDGE SMITH: Please be seated.

3

(Pause.)

4

JUDGE SMITH: Good afternoon. Welcome to the Patent  
5Trial and Appeal Board. We're here this afternoon for a hearing in two  
6inter-parties review matters IPR2016-00058 and 2017-00198. The case  
7in which Cisco Systems is the Petitioner and Uniloc Luxembourg is the  
8Patent Owner. I'd like to start by getting appearance of Counsel.

9

Petitioner, please step up to the podium and make your  
10appearance.

11

MR. MCCOMBS: Hello, Your Honors. I'm David  
12McCombs, I'm lead counsel in this case. With me is my partner Theodor  
13Foster who will be making the presentation today. Also here on behalf of  
14Cisco is Kevin McNish and Dina Blikshteyn.

15

JUDGE SMITH: Welcome. Who do we have on behalf of  
16Patent Owner?

17

MR. MANGRAUM: Good afternoon, Your Honors. My  
18name is Brett Mangraum, I'll be representing Patent Owner, Uniloc  
19Luxembourg. With me is partner Jim Etheridge of Etheridge Law Group.

20

JUDGE SMITH: Thank you. I'd like to --

21

MR. MANGRAUM: And I will --

22

JUDGE SMITH: Oh. Go --

23

MR. MANGRAUM: I will be presenting today, Your  
24Honor.

25

JUDGE SMITH: Okay.

26

MR. MANGRAUM: And I'm also lead counsel.

1Case IPR2017-00058 (Patent 7,804,948)

2Case IPR2017-00198 (Patent 7,853,000)

3

1 JUDGE SMITH: Thank you. I'd like to go over a few  
2administrative details quickly before we begin, just about the start of the  
3hearing today. Our trial hearing order indicated that there will be 30  
4minutes of argument for each side. Petitioner, you'll go first presenting  
5your case. Patent Owner will then be allowed to respond to Petitioner.  
6Petitioner, if you wish, you may reserve time for rebuttal. Do you wish  
7to do so?

8 MR. FOSTER: Yes. Your Honor, can I reserve ten minutes  
9for rebuttal, please?

10 JUDGE SMITH: Ten minutes for rebuttal. Thank you. One  
11more administrative detail. When you reference your slides, please  
12identify the particular slide number so that we can keep track of which  
13slide you're discussing here during the hearing. And also when we  
14review the transcript, it makes it easier to read the transcript.

15 Petitioner, when you're ready, you may begin.

16 MR. FOSTER: Good afternoon, and may it please the  
17Board. First, just a minor housekeeping matter. To clarify, I believe the  
18proceeding number for both of these the year should be 2017.

19 JUDGE SMITH: Oh. My mistake. I'm sorry.

20 MR. FOSTER: Each party made a slight typo in their cover  
21sheets on their demonstratives.

22 JUDGE SMITH: I see.

23 MR. FOSTER: But it's 2017 for both cases. Both these  
24cases involve technology for transitioning from written communication to  
25spoken or voice communication. And, specifically, for transitioning from  
26exchange of instant messages to a conference call. And that same idea,

1Case IPR2017-00058 (Patent 7,804,948)

2Case IPR2017-00198 (Patent 7,853,000)

3

1that same transition, from instant messaging to conference calling is  
2discussed and disclosed in both of the references in ground 1 of each of  
3these proceedings, Hamberg and Lamb.

4           And so I'd like to start today's discussion by addressing how  
5Hamberg describes the message format and making that transition, how  
6Lamb describes the one click button makes that initiation very easy, and  
7then why a person of ordinary skill in the art would have found it obvious  
8to combine their teachings and arrive at the claim subject matter.

9           Skipping to slide 5, the first topic I'd like to go over relates  
10to Hamberg's description of the communication system where users are  
11initially exchanging instant messages and then they move on to a  
12conference call when one of those users can send a short call alias  
13message.

14           Looking at slide 6, I have here the abstract from Hamberg  
15which describes this key idea of setting up a conference call from an  
16exchange of instant messages and moving, quote, "from message chatting  
17to conference calling by sending a predefined message to the server,"  
18close quote. And so that message that Hamberg describes provides the  
19indication to the server that the users would like to leave instant  
20messaging and move on to conference calling.

21           Looking at slide 7, Hamberg is -- also describes the rather  
22unremarkable idea that not everyone is available all of the time. And as  
23Hamberg's example provides, and it's just an example, Hamberg has an  
24example user names Max who has set his status to be absent, and then the  
25note indicated in Hamberg's figure shows that he is apparently asleep.  
26So, obviously, Max has indicated he does not want to take part in a

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.