

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LIVEPERSON, INC.,
Petitioner,

v.

24/7 CUSTOMER, INC.,
Patent Owner.

Case IPR2017-00610
Patent 9,077,804 B2

Record of Oral Hearing
Held: April 10, 2018

Before CHRISTOPHER L. CRUMBLEY, ROBERT J. WEINSCHENK,
and JASON W. MELVIN, *Administrative Patent Judges*.

Case IPR2017-00610
Patent 9,077,804 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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ON BEHALF OF THE PATENT OWNER:

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The above-entitled matter came on for hearing on April 10, 2018, commencing at 1:00 p.m. at the U.S. Patent and Trademark Office, Madison Building, 600 Dulany Street, Alexandria, Virginia 22314.

PROCEEDINGS

1
2 JUDGE MELVIN: Okay. Good afternoon, everyone.
3 This is the hearing in IPR2017-00610 between Petitioner,
4 LivePerson, Incorporated and Patent Owner, 24/7 Customer
5 Incorporated. We're reviewing patent number 9,077,804.

6 I'm Judge Melvin, with me is Judge Weinschenk and
7 Judge Crumbley is appearing remotely.

8 Let's get the parties' appearances, please. For
9 Petitioner?

10 MR. ALPER: Yes, your Honor. Adam Alper from
11 Kirkland and Ellis for Petitioner.

12 MR. MILLER: Good afternoon. Mark Miller of
13 O'Melveny and Myers for the Patent Owner, 24/7.

14 JUDGE MELVIN: Thank you and welcome. We appreciate
15 you appearing here today and helping us understand your
16 arguments. We look forward to your presentations.

17 I'd like to cover a couple of preliminary issues
18 before we begin. First, on Friday, Patent Owner filed a
19 motion for pro hac vice admission. Is that something you'd
20 like us to address right now?

21 MR. MILLER: I don't believe that it is necessary
22 to --

23 JUDGE MELVIN: Okay.

24 MR. MILLER: -- (Inaudible) time today.

25 JUDGE MELVIN: Okay. That's fine.

26 And the second item is a possible motion to exclude.

1 We know Patent Owner filed objections in Paper 29 and
2 Petitioner filed an opposition to a motion to exclude in
3 Paper 33. And Patent Owner filed a reply in Paper 34, but
4 the record does not appear to contain the motion filed by
5 Patent Owner.

6 So we suspected that perhaps a motion was served,
7 but not filed, but maybe counsel for Patent Owner would
8 comment on that?

9 MR. MILLER: Your Honor, our intention was certainly
10 to file a motion to exclude which I thought we had filed.

11 JUDGE MELVIN: Okay.

12 MR. MILLER: We will check the record --

13 JUDGE MELVIN: If you could check into and, you
14 know, we'll address it somehow. I mean, obviously Petitioner
15 had notice and you know, we're all sort of operating as if
16 there is such a motion, but we certainly need it to be in the
17 record.

18 MR. MILLER: And you're referring to the motion to
19 exclude?

20 JUDGE MELVIN: Correct.

21 Okay. So today each party will have 30 minutes of
22 total time to present arguments. Petitioner will start.

23 Please keep in mind that Judge Crumbley cannot see
24 the screen in this room so please refer to an exhibit or
25 slide number for his benefit and for a clear record. Also
26 remember that he can only hear you if you speak into the

1 microphone.

2 Please do not interrupt the other party. You may
3 object after that party's presentation if you need to.

4 Petitioner, how much time would you like to reserve
5 for rebuttal?

6 MR. ALPER: Your Honor, I'd like to attempt to
7 reserve ten minutes.

8 JUDGE MELVIN: Okay. And with that, we're ready
9 when you are.

10 MR. ALPER: Thank you, your Honors.

11 JUDGE MELVIN: And just before you begin, I'll set
12 the timer for 20 minutes so when you see the light, that will
13 mean you're into rebuttal.

14 MR. ALPER: Thank you very much, your Honors.

15 Good afternoon, your Honors. I am Adam Alper from
16 Kirkland for Petitioner, LivePerson. I'd like to of course
17 focus my comments on ground one. That is the ground that's
18 directed to the independent claims of the 804 patent and is
19 the only ground where there are disputes raised by 24/7.

20 And if we can go to slide 11, I've laid out the
21 independent claims of my presentation.

22 And by the way, I will be -- I'll be jumping around
23 a little bit around in the slides, but I'll try to call out
24 the slide numbers so that way it's easy to follow.

25 The only disputes raised by 24/7 on the second to
26 the last element in the independent claims and in the last

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