

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COMCAST CABLE COMMUNICATIONS, LLC
Petitioner,

v.

VEVEO, INC.,
Patent Owner.

Case IPR2017-00715
Patent 8,433,696 B2

Record of Oral Hearing
Held: April 23, 2018

Before JONI Y. CHANG, MINN CHUNG, and KEVIN C. TROCK,
Administrative Patent Judges.

Case IPR2017-00715
Patent 8,433,696 B2

APPEARANCES:

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The above-entitled matter came on for hearing on April 23, 2018, commencing at 10:04 a.m., at the Silicon Valley U.S. Patent and Trademark Office, 26 S 4th Street, San Jose, California 95112.

PROCEEDINGS

1
2 USHER: Appellate No. 164, IPR 2017-00715, Comcast Cable
3 Communications, LLC, versus Veveo, Inc.

4 CLERK: IPR 2017-00715.

5 JUDGE TROCK: Good day, everyone. I'm Judge
6 Trock. To my left is Judge Chung. And on the monitor, appearing
7 from Alexandria, is Judge Chang.

8 This is Case IPR 2017-00715 relating to Patent No.
9 8,433,696, Comcast versus Veveo.

10 Counsel, would you like to make appearances? Let's
11 start with Petitioner.

12 MR. MEEKER: Fred Meeker with the law firm of Banner and
13 Witcoff representing Comcast Cable Communications, LLC, Your
14 Honor.

15 JUDGE TROCK: And Patent Owner?

16 MR. ROWLAND: Mark Rowland of Ropes & Gray on behalf of
17 Patent Owner Veveo, and with me is Josef Schenker, also of Ropes &
18 Gray.

19 JUDGE TROCK: Okay. Good day, Counsel.

20 So just a couple of things. I believe we, in our
21 order, gave 45 minutes to each side to make their arguments. When
22 you speak here, it's important to speak at the podium into the
23 microphone. When you're projecting something or talking about one
24 of your slides, please identify them by slide number because Judge
25 Chang is not going to be able to follow you. She has her own set,
26 but she's not going to be able to see what you're putting on this

1 wall. Okay?

2 I believe you have 45 minutes. Petitioner, would
3 you like to reserve any time?

4 MR. MEEKER: 20 minutes, Your Honor.

5 JUDGE TROCK: All right. With that, would you like to
6 begin?

7 MR. MEEKER: May it please the Court, I'd like to go to
8 Slide 2, just to review the grounds that have been instituted on.
9 So claims 1 to 10, 12 to 24, 26 to 31 have been instituted on
10 Grove in view of Smith. Claims 11 to 25 are Grove in view of
11 Smith and further in view of Robarts.

12 I think I unplugged it and I messed it up.

13 Okay. That's Slide 2. Moving on to Slide 3, what's
14 undisputed in this case, Grove, Smith, and Robarts are each prior
15 art of the '626 Patent. Claim 1 is representative of the two
16 independent claims, and Patent Owner does not separately contest
17 any dependent claim.

18 There's a significant amount of claim construction still
19 at issue. Much of the Patent Owner's response brief was devoted to
20 claim construction. There's two primary issues: Content item and
21 direct mapping. Those are highlighted on Slides 8 and 9. I'm
22 sorry; 7 and 8.

23 The Patent Owner does not dispute that Grove Smith or
24 Grove Smith Robarts teaches the construed terms under the Board's
25 preliminary claimed construction. We believe any -- I'm sorry; go
26 ahead. Oh.

1 We believe any such arguments have been waived. We
2 agree with the Board's claimed construction --

3 JUDGE TROCK: Let me back you up, Counsel. What do you
4 mean by that? Which particular arguments do you think are waived?

5 MR. MEEKER: With respect to contesting whether or not
6 the limitations of direct mapping or content item are met by the
7 Board's construction. So they contested the construction. They
8 didn't address whether those terms are met under the Board's
9 construction.

10 JUDGE TROCK: Right. But if the construction changes --

11 MR. MEEKER: The construction -- it's a preliminary
12 construction. If you change your construction and go with a
13 different construction, that's a different issue.

14 JUDGE TROCK: So that strikes me that's the issue in the
15 case then.

16 MR. MEEKER: It is the issue in the case of whether or
17 not you should change that preliminary construction. We believe
18 that construction is correct for a number of different reasons.
19 Starting in Slide 10 is the Board's construction, which is
20 preliminary construction, direct mapping to be mapping each
21 alphanumeric character of the descriptor identifying a content
22 item with his corresponding numeric key equivalent on an
23 overloaded keyboard.

24 So --

25 JUDGE CHUNG: Counsel, can I just interrupt you?

26 MR. MEEKER: Yes, sir.

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