

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE, INC.
Petitioner,

v.

MAKOR ISSUES & RIGHTS, LTD
Patent Owner

Case IPR2017-00815 (Patent 6,480,783 B1)
Case IPR2017-00816 (Patent 6,480,783 B1)
Case IPR2017-00817 (Patent 6,480,783 B1)
Case IPR2017-00818 (Patent 6,615,130 B2)

Record of Oral Hearing
Held: May 3, 2018

Before Hyun J. Jung, Beverly M. Bunting, and Robert L. Kinder,
Administrative Patent Judges.

Case IPR2017-00815 (Patent 6,480,783 B1)
Case IPR2017-00816 (Patent 6,480,783 B1)
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Case IPR2017-00818 (Patent 6,615,130 B2)

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The above-entitled matter came on for hearing Thursday, May 3, 2018, commencing at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

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1 PROCEEDINGS

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3 JUDGE KINDER: -- Good morning everyone. I'm Judge Kinder and
4 with me remotely today are Judge Jung and Judge Bunting and they're both
5 appearing remotely as you can see on your monitors. We're calling today
6 case Google, LLC versus Maker Issues & Rights Limited, Patent Owner.
7 We have four proceedings today. We have IPR 2017-00815, 816 and 817
8 involving Patent 6,480,783 and then the fourth proceeding is IPR 2017-
9 00818 involving Patent 6,615,130.

10 Before we begin today, I want to get a roll call of who will be
11 representing each party. For the Petitioner, Google, could you stand please?

12 MR. HAWKINS: Good morning, Your Honors. My name is Michael
13 Hawkins from Fish & Richardson, lead Counsel for Google, LLC. With me
14 today is my associate, Rich Bisenius, who will be speaking, and also
15 Michael Berta, who will be also speaking.

16 JUDGE KINDER: All right. Thank you.

17 For the Patent Owner, Maker, could you please rise and give an
18 appearance?

19 MR. JAFFESS: Good morning, Your Honors. My name is Ari
20 Jaffess from the firm of Lewis, Baach, Kaufmann Middlemiss representing
21 the Patent Owner, Makor Issues & Rights Limited and with me today is Ron
22 Abramson from my firm.

23 JUDGE KINDER: Thank you.

24 So as we stated in our hearing order, each party today will get 60
25 minutes to present its arguments and I've marked that time on the wall and

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1 I'll keep my fellow judges up to speed on that countdown. Petitioner bears
2 the ultimate burden of proof that the claims at issue in these proceedings are
3 unpatentable. Therefore, the Petitioner will go first to present its case with
4 regards to the challenged claims. Petitioner may reserve rebuttal time.

5 If you could rise and just let me know what rebuttal time you want
6 today.

7 MR. BIENIUS: We would like to reserve 20 minutes rebuttal time.

8 JUDGE KINDER: Twenty minutes? All right.

9 I have a couple more things. The Patent Owner will argue its
10 opposition to the Petitioner's case after that and currently right now we don't
11 see a need for rebuttal time. If that changes, we might ask you a couple
12 questions on -- but as it stands right now, you will not have any rebuttal
13 time. Again, to remind you, no new evidence or argument should be
14 presented during oral hearing.

15 Because we have four proceedings today, if you're referring to issues
16 that involve only one proceeding, please identify that proceeding by the IPR
17 number so we can keep a clean record. Some issues overlap, as you know,
18 but there are a few that are specific to a given proceeding. So if we could
19 identify that proceeding, it would be helpful when we go back into the
20 record and review it. And also, because we have remote Counsel, please be
21 very clear if you put something on your ELMO, what you're referring to by
22 exhibit number and page number. All right. At this time, if there are no
23 other questions I will go ahead and turn it over to Petitioner.

24 MR. BIENIUS: Good morning, Yours Honors. I'm going to
25 address a few issues related specifically to the IPR 2017-00815 proceeding,

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1 then my colleague, Mr. Berta, is going to address some issues that are
2 global, to all four proceedings, and additional issues that are specific to the
3 817 proceeding.

4 With respect to the 815 proceeding, I'd like to talk about the recitation
5 of predicted road section coefficients in Claim 1 of the '783 patent.
6 Specifically, in the petition at page 7, Petitioner laid out construction for the
7 term "road section coefficients" specifying that "road section coefficients are
8 coefficients associated with road sections in a route search." This
9 construction was not dispute by Patent Owner.

10 JUDGE KINDER: Do we offer an interpretation on that in our
11 decision on institution?

12 MR. BIENIUS: In the institution decision, I believe that the Board,
13 at the time, found that construction was not necessary.

14 JUDGE KINDER: Okay. Do you think it is necessary to decide this
15 dispute before us?

16 MR. BIENIUS: I don't believe it's necessary to decide the dispute
17 here. I just wanted to point out that Patent Owner had not disagreed with
18 Petitioner's construction of "road section coefficient".

19 JUDGE KINDER: But they seem to take an implied construction
20 now in their argument. Would you agree with that?

21 MR. BIENIUS: Correct, which they framed as a construction-based
22 on the term "predicted road section coefficients". So, as you just mentioned,
23 their implied construction indicated that the term "predicted" requires the
24 coefficients to be dynamic or variable. Patent Owner provided no intrinsic
25 evidence for this implied construction, no extrinsic evidence for this implied

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