UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COMCAST CABLE COMMUNICATIONS, LLC, Petitioner,

v.

ROVI GUIDES, INC., Patent Owner.

Cases IPR2017-00866 and IPR2017-00867 Patent 8,713,595 B2

> Record of Oral Hearing Held: June 6, 2018

Before KARL D. EASTHOM, BARBARA A. BENOIT, and STACY B. MARGOLIES, *Administrative Patent Judges*.



APPEARANCES:

ON BEHALF OF THE PETITIONER:

FREDERIC M. MEEKER Banner & Witcoff 1100 13th Street N.W., Suite 1200 Washington D.C. 20005-4051 (202) 824-3116 fmeeker@bannerwitcoff.com

BRADLEY C. WRIGHT Banner & Witcoff 1100 13th Street N.W., Suite 1200 Washington D.C. 20005-4051 (202) 824-3000 bwright@bannerwitcoff.com

ON BEHALF OF THE PATENT OWNER:

MARK D. ROWLAND Ropes & Gray 1900 University Avenue, 6th Floor East Palo Alto, CA 94303-2284 (650) 617-4000 mark.rowland@ropesgray.com

SCOTT A. MCKEOWN Ropes & Gray 2099 Pennsylvania Avenue, N.W. Washington D.C. 20006-6807 (202) 508-4740 scott.mckeown@ropesgray.com



KEVIN J. POST Ropes & Gray 1211 Avenue of the Americas New York, NY 10036-8704 (212) 596-9181 kevin.post@ropesgray.com

The above-entitled matter came on for hearing on Wednesday, June 6, 2018, commencing at 9:00 a.m. at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.



1	PROCEEDINGS
2	
3	JUDGE MARGOLIES: Good morning and welcome. We are
4	here for a final consolidated hearing in two inter partes reviews. Both are
5	captioned Comcast Cable Communications v. Rovi Guides. The first case
6	is IPR2017-866 concerning U.S. Patent Number 8,713,595 B2. The second
7	case is IPR2017-867, also concerning U.S. Patent Number 8,713,595 B2.
8	First, let me begin by introducing the panel. I am joined by Judge Easthom
9	and Judge Benoit, and I am Judge Margolies. Let's get the parties'
10	appearances. Who do we have appearing today on behalf of petitioner?
11	MR. MEEKER: Good morning, Your Honor and Your Honors.
12	Fred Meeker with the Law Firm of Banner & Witcoff representing Comcast
13	Cable Communications, LLC. Brad Wright will be giving the first
14	argument this morning for the 866 and 867. We also have Seth Kramer
15	who's in-house counsel at Comcast with us today. Thank you.
16	JUDGE MARGOLIES: Good morning, counsel. Who do we
17	have appearing today on behalf of patent owner?
18	MR. ROWLAND: Good morning. Mark Rowland of Ropes &
19	Gray on behalf of the patent owner. The arguments today for this hearing
20	will be presented by my colleagues, Scott McKeown and Kevin Post.
21	There's also a pending motion to include certain evidence. That would be
22	handled by Mr. Post. And also with us today is the client representative,
23	Michael Schwartz, Joseph Schenker, and some of our summer associates.



1	JUDGE MARGOLIES: Good morning, counsel and summer
2	associates. Thank you. We set forth the procedure for today's hearing in
3	our oral argument order and, as a reminder, each party will have 60 minutes
4	of total time to present arguments in both cases. Petitioner has the burden
5	of proof and will go first. Petitioner will open jointly for both cases.
6	Patent owner will then present opposition arguments jointly for both cases.
7	Patent owner may also argue its motion to exclude filed in IPR2017-867, if
8	it so chooses. And then to the extent petitioner has reserved time,
9	petitioner will present arguments in reply for both cases and in opposition to
10	the motion to exclude. Finally, if patent owner has reserved time, it may
11	present reply arguments only in regard to the motion to exclude.
12	We are aware that patent owner has filed objections to some of the
13	demonstrative slides. We are not going to rule on the objections at this
14	point. Both parties are reminded that demonstrative slides are not evidence
15	and will not be relied on for a final decision. Moreover, arguments raised
16	for the first time during this hearing or in a demonstrative will not be given
17	weight in our final decision.
18	Are there any questions on behalf of patent owner at this time?
19	MR. ROWLAND: No, Your Honor.
20	JUDGE MARGOLIES: Thanks. And are there any questions on
21	behalf of petitioner at this time?
22	MR. WRIGHT: No, Your Honor.
23	JUDGE MARGOLIES: Petitioner, would you like to reserve a
24	certain amount of time for reply?



DOCKET

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.

