### UNITED STATES PATENT AND TRADEMARK OFFICE

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### 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:**

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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
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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 MARGULIES: 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?



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