

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RPX CORPORATION AND VIMEO, INC.,
Petitioner,

v.

LINK ENGINE TECHNOLOGIES LLC,
Patent Owner.

Case IPR2017-00886
Patent 7,480,694 B2

Record of Oral Hearing
Held: May 8, 2018

Before RAMA G. ELLURU, SCOTT A. DANIELS, and DANIEL J.
GALLIGAN, *Administrative Patent Judges*.

Case IPR2017-00886
Patent 7,480,694 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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ON BEHALF OF PATENT OWNER:

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The above-entitled matter came on for hearing on Tuesday, May 8, 2018, commencing at 1:00 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

P R O C E E D I N G S

1
2 JUDGE ELLURU: Good afternoon. We have our final hearing
3 in IPR2017-00886, RPX and Vimeo against Link Engine Technologies,
4 LLC. I'm Judge Elluru. And Judge Daniels is appearing remotely
5 from New Hampshire and Judge Galligan remotely from Dallas.

6 Let's get the parties' appearance on the record, please. Who do
7 we have for petitioner?

8 MR. MASON: For petitioners, RPX and Vimeo, Andy Mason
9 of Klarquist Sparkman.

10 JUDGE ELLURU: And for patent owner?

11 MR. SALMON: Tim Salmon for patent owner, Link Engine
12 Technologies.

13 JUDGE ELLURU: Thank you, counsel. We set forth the
14 procedure for today's hearing in our trial order, but let me just remind
15 everyone how it will work today. Each party will have 45 minutes of
16 total time to present arguments for this case, IPR2017-00886. Each party
17 may reserve rebuttal time. Please keep in mind that whatever is projected
18 on the screen will not be viewable by Judges Daniels and Galligan, so
19 when you do refer to an exhibit on the screen, please state for the record
20 the exhibit and page number or for demonstratives, the slide number to
21 which you are referring. This is also important for clarity of the
22 transcript.

23 Moreover, please remember that because of limitations of our
24 microphones, if you step away from the microphone at the podium, the
25 judges may not be able to hear your argument.

1 Petitioner has the burden on the original claims and will go first
2 and may reserve time for rebuttal on the original claims and respond to
3 the motion to amend in IPR2014-00886 [sic] at the start of its argument.
4 Patent owner will then have the opportunity to present its response on the
5 original claims as well as argument on the motion to amend. Patent
6 owner also can reserve rebuttal time limited only to the motion to amend.
7 Should petitioner choose to have a rebuttal on the original claims,
8 petitioner may present rebuttal arguments regarding patent owner's
9 proposed amended claims and patent owner can use its rebuttal time in
10 support of the motion to amend.

11 I'll give each counsel a warning when you are reaching the end
12 of your argument time. Does counsel have any questions at this time?

13 MR. SALMON: No, Your Honor.

14 MR. MASON: No, Your Honor.

15 JUDGE ELLURU: Thank you. I'll remind each party that
16 under no circumstances are they to interrupt the other party while that
17 party is presenting its arguments and demonstratives. If a party believes
18 that a demonstrative or argument presented by the other party is
19 objectionable for any reason, that objection may be raised only during the
20 objecting party's argument time, meaning, for example, that if patent
21 owner has an objection to any slides presented or arguments made by
22 petitioner, patent owner may only raise that objection during patent
23 owner's allotted time to speak. If a party wishes to raise an objection to
24 the demonstrative or argument presented by the final party to speak, it
25 may request the opportunity to object before we adjourn the hearing.

1 With that, Mr. Mason, you may start.

2 MR. MASON: Thank you, Your Honor. Good afternoon and
3 may it please the Board, Andy Mason on behalf of petitioners, RPX and
4 Vimeo. The issues today, Your Honors --

5 JUDGE ELLURU: First let me ask you if you would like to
6 reserve any rebuttal time.

7 MR. MASON: Yes, Your Honor, I would like to reserve
8 20 minutes for rebuttal.

9 JUDGE ELLURU: Thank you. I'll put 25 minutes on the
10 clock.

11 MR. MASON: Thank you. The issues today all revolve around
12 this term "playlist engine" as it's found in both the original claims and the
13 proposed amended claims of patent owner. And what I will go through is
14 that all the evidence shows, and patent owner does not dispute, that these
15 playlist engine terms in both the original and the amended claims
16 encompass the '694 patent's preferred JavaScript embodiment. And that's
17 the same JavaScript embodiment disclosed in both prior art references.

18 JUDGE ELLURU: So Mr. Mason, with respect to patent
19 owner's argument that you are relying on three different alternatives,
20 what is your response to what specific disclosure in Quimby and Lenz
21 teaches the claimed playlist engine?

22 MR. MASON: I'll turn the Board to -- bear with me for a
23 second. With respect to Quimby, if we look at slide 14, this is a good
24 spot to start with respect to that. So in Dr. Greenspun -- and this was
25 cited in our petition, original petition, Dr. Greenspun explained how

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