

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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STINGRAY DIGITAL GROUP INC.,  
Petitioner,

v.

MUSIC CHOICE,  
Patent Owner.

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Case IPR2017-00888 (Patent 7,320,025 B1)  
Case IPR2017-01191 (Patent 9,351,045 B1)

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Record of Oral Hearing  
Held: June 19, 2018

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Before MITCHELL G. WEATHERLY, GREGG I. ANDERSON, and  
JOHN F. HORVATH, *Administrative Patent Judges*.

Case IPR2017-00888 (Patent 7,320,025 B1)

Case IPR2017-01191 (Patent 9,351,045 B1)

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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ON BEHALF OF THE PATENT OWNER:

ROBERT W. ASHBROOK, JR., ESQUIRE  
MARTIN J. BLACK, ESQUIRE  
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Philadelphia, PA 19104

The above-entitled matter came on for hearing on Tuesday, June 19, 2018, commencing at 1:30 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

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JUDGE WEATHERLY: So this is a hearing for two

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proceedings, IPR 2017-00888, relating to U.S. Patent 7,320,025, and IPR

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2017-01191, which is relating to U.S. Patent 9,351,045.

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The Petitioner is Stingray Digital Group Inc. and the Patent

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Owner is Music Choice.

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I am Judge Weatherly and I'm joined today by my colleagues

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Judges Anderson and Horvath remotely, joined remotely that is. The camera

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that they see you through is above my head. So it might make them feel a

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little more warm and fuzzy if you look at the camera when you are speaking

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to one of them. Also, during the hearing if you are using your slides it really

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helps them, the remote judges in particular, follow the presentation if you

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tell us what slide you are on. That also makes the record much easier for us

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to use later. So I would ask that you do that.

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Pursuant to our Hearing Order, each party is going to have one

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hour to present its argument today for the two proceedings combined. The

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Petitioner will go first, since it has the burden of persuasion, and the Patent

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Owner will go second. Petitioner, you may reserve time if you wish to rebut

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arguments that the Patent Owner advances in their presentation. I'm not

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sure how, if the parties have discussed it or whether they have any

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preferences about whether we address both cases serially or I should say all

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at one time, or we split it up and kind of divide the hearing. Has there been

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any discussion about that?

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MR. RASKIN: There hasn't, Your Honor, only to the extent

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that we both assumed that we would address both IPRs first.

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JUDGE WEATHERLY: Then that's fine.

1 MR. RASKIN: And we're happy to do it that way.

2 JUDGE WEATHERLY: No, I don't have any preferences.

3 MR. ASHBROOK: We're fine with that, Your Honor.

4 JUDGE WEATHERLY: All right, great. However the parties  
5 want to do it is fine with me. So I understand, Petitioner, that you'll present  
6 the case for both IPRs at one time. There will be a response, and then a  
7 rebuttal for both cases, yes?

8 MR. RASKIN: Yes.

9 JUDGE WEATHERLY: Okay. Fantastic. So before we start,  
10 I'd like each side to introduce themselves. We'll begin with Petitioner. And  
11 please introduce people who you've brought with you also.

12 MR. RASKIN: Sure. My name is Josh Raskin from the law  
13 firm of Greenberg Traurig. I represent the Petitioner Stingray Digital. And  
14 with me today are Allan Kassenoff, he will be speaking on the second IPR;  
15 and --

16 JUDGE ANDERSON: Yeah, counsel, you might check your  
17 microphone. I'm not getting any noise here.

18 JUDGE WEATHERLY: Sometimes the power button on the  
19 base of the microphone, it should be glowing green.

20 MR. RASKIN: Is this better?

21 JUDGE ANDERSON: Much.

22 MR. RASKIN: Okay, great. I'll start again.

23 JUDGE WEATHERLY: And Judge Anderson, we can't really  
24 see you. We can only see your left shoulder. Maybe that's intentional.

25 JUDGE ANDERSON: Well, I don't know, let's see. My left  
26 shoulder --

1 JUDGE WEATHERLY: At least I think --

2 JUDGE ANDERSON: You can't see my --

3 JUDGE WEATHERLY: Now we can.

4 MR. RASKIN: We can see you now.

5 JUDGE WEATHERLY: We've got you now.

6 JUDGE ANDERSON: Okay.

7 JUDGE WEATHERLY: All right.

8 MR. RASKIN: Okay. I'll start again. Good afternoon. My  
9 name is Josh Raskin from Greenberg Traurig and I represent the Petitioner  
10 Stingray. I'll be speaking as to the first IPR, the one ending in 088. With  
11 me are my colleagues Allan Kassenoff, he will speaking as to the other IPR;  
12 and then also with us is (indiscernible).

13 MR. ASHBROOK: Your Honors, my name is Robert Ashbrook  
14 from the Dechert Law Firm. I'm representing the Patent Owner Music  
15 Choice. With me is my colleague Martin Black and I'm very pleased to say  
16 that from Music Choice is Paula Calhoun and Karen Raybrook (phonetic).

17 JUDGE WEATHERLY: All right. Great. Thank you very  
18 much for the introductions. Mr. Ashbrook, who is going to be making the  
19 presentation for the Patent Owner?

20 MR. ASHBROOK: Your Honor, I will primarily speak. There  
21 may be a few points where Mr. Black may want to speak as well.

22 JUDGE WEATHERLY: All right. Fantastic. Okay. So all  
23 right. So Petitioner, whenever you are ready. How much time would you  
24 like to reserve?

25 MR. RASKIN: We'd like to reserve a total of 20 minutes.

26 JUDGE WEATHERLY: All right.

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