

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

BLACKBERRY LTD.,
Patent Owner.

Case IPR2017-00913 (Patent 8,402,384 B2)
Case IPR2017-00914 (Patent 8,713,466 B2)

Record of Oral Hearing
Held: May 30, 2018

Before SALLY C. MEDLEY, ROBERT J. WEINSCHENK, and
RICHARD H. MARSCHALL, *Administrative Patent Judges*.

Case IPR2017-00913 (Patent 8,402,384 B2)

Case IPR2017-00914 (Patent 8,713,466 B2)

APPEARANCES:

ON BEHALF OF THE PETITIONER:

NAVEEN MODI, ESQUIRE
PHILLIP W. CITROEN, ESQUIRE
JOSEPH E. PALYS, ESQUIRE
Paul Hastings, LLP
875 15th St NW #10
Washington, DC 20005
202-551-1990

ON BEHALF OF THE PATENT OWNER:

CHING-LEE FUKUDA, ESQUIRE
Sidley Austin, LLP
787 Seventh Avenue
New York, New York 10019
212-839-7364

and

SAMUEL A. DILLON, ESQUIRE
SHARON LEE, ESQUIRE
Sidley Austin, LLP
1501 K Street N.W.
Washington, D.C. 20005
202-736-8298

The above-entitled matter came on for hearing on Wednesday, May 30, 2018, commencing at 3:19 pm, at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

1 PROCEEDINGS

2 - - - - -

3 THE USHER: All rise.

4 JUDGE WEINSCHENK: Be seated. All right. Welcome back
5 everyone. This is a hearing for IPR2017-00913 and -00914. Google LLC
6 versus Blackberry LTD. Let's start with appearances again. Who do we
7 have for petitioner?

8 MR. CITROEN: Good afternoon, Your Honor. Phillip Citroen for
9 Paul Hastings on behalf of Google and with me here today is Joseph Palys
10 and Naveen Modi also for Paul Hastings and petitioner.

11 JUDGE WEINSCHENK: All right. And who do we have for patent
12 owner?

13 MS. FUKUDA: Ching-Lee Fukuda, Sidley Austin representing patent
14 owner Blackberry. With me is my colleague Sharon Lee who will also be
15 arguing today. And Sam Dillon who is attending.

16 JUDGE WEINSCHENK: Okay, thank you. As you know from the
17 order, again each side will have 60 minutes to present their arguments, so we
18 are going to test your endurance here today. We will start with petitioner
19 and follow up with patent owner. Petitioner just let us know how much time
20 you would like to reserve for rebuttal.

21 MR. CITROEN: I'd like to reserve about 20 minutes, Your Honor.

22 JUDGE WEINSCHENK: 20?

23 MR. CITROEN: Yes please.

24 JUDGE WEINSCHENK: Sure.

25 MR. CITROEN: And, Your Honors, before I go on we have
26 demonstratives printed out if you would like a copy.

1 JUDGE WEINSCHENK: Sure.

2 MR. CITROEN: Thank you. Okay. If we are all ready I will kick it
3 off. So thank you. Good afternoon, Your Honor, my name is Phillip again.
4 And we are as Your Honor mentioned we are here to discuss the
5 consolidated hearings for 2017-00913 and -00914. These proceedings
6 involves the '384 patent and the '466 patent. These are related patents and
7 they share the same specification.

8 If we can go to Slide 2, for the Boards convenience we have listed the
9 grounds that were instituted in this proceeding which covers and this is for
10 the '913 proceedings, this covers all the claims of the '384 patent. And if we
11 go to the next slide, Slide 3 it shows the grounds again that Your Honors are
12 aware of that were instituted by the Board. And these grounds cover the
13 '466 claims.

14 So in our view, based on the evidence that the Board relied on to
15 institute these proceedings and the additional evidence that is of record, we
16 believe that the Board should enter final written decisions in these
17 proceedings finding all challenge claims unpatentable and they should be
18 terminated.

19 So if we can go to Slide 4, we wanted to just show Your Honors an
20 exemplary claim and this is independent Claim 1 for the '384 patent and
21 while there is a lot of words in Claim 1, in our view the concepts described
22 here are not complex and rather than go through all the limitations here what
23 we have done is just highlight a few of the important limitations that are
24 kind of at the heart of the disputes between the parties. And I will get into
25 some of this more as we go on.

26 And if we look at the Slide 5, next slide, here is Claim 1 for the '466

1 patent and again a long claim with a lot of words, we don't think the
2 concepts here are complex and if you compare the claims there are some
3 minor differences but we don't think the differences are actually meaningful
4 for our purposes here today.

5 The arguments with respect to the independent claims apply equally across
6 all the proceedings, the two proceedings for all independent claims.

7 So if we can go to the next slide, Slide 6 please. So, Your Honor, you
8 may have noticed that petitioner's slides are bifurcated into two sections.

9 We have a section on claim construction and then we have another section
10 that addresses the issues related to the prior art. For purposes of my opening
11 presentation, I don't plan to discuss the claim construction issues and there's
12 two reasons why we plan to go straight to the issues for the prior art.

13 The first is we believe our papers sufficiently describe why the patent
14 owner's claim construction arguments with respect to the additional dynamic
15 preview information and selectable link is incorrect and second and probably
16 most importantly we believe that the construction in the end doesn't matter.
17 The prior art discloses these limitations whether or not the Board adopts
18 patent owner's construction or agrees with the construction that it adopted in
19 this institution decision.

20 So unless Your Honors have any specific questions about the claim
21 construction issues I would like to jump forward and go straight to the prior
22 art. Okay.

23 So with that can we go to Slide 20 please? So you can see on Slide 20
24 there is several issues here. So the patent owner in these proceedings have
25 advanced several issues in the two proceedings. All of them we believe
26 should be rejected and I plan to address most of them here today. I'm going

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.