

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMAZON.COM, INC., AMAZON DIGITAL SERVICES, INC.,
AMAZON FULFILLMENT SERVICES, INC., HULU INC., and
NETFLIX, INC.,
Petitioner,

v.

UNILOC LUXEMBOURG S.A.,
Patent Owner.

Case IPR2017-00948
Patent 8,566,960 B2

Record of Oral Hearing
Held: May 8, 2018

Before DAVID C. McKONE, BARBARA A. PARVIS, and MICHELLE N.
WORMMEESTER, *Administrative Patent Judges.*

Case IPR2017-00948
Patent 8,566,960 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

DANIEL T. SHVODIAN, ESQ.
ANDREW T. DUFRESNE, ESQ.
Perkins Coie, LLP
3150 Porter Drive
Palo Alto, CA 94304-1212
(650) 838-4413
DShvodian@perkinscoie.com

ON BEHALF OF THE PATENT OWNER:

BRETT MANGRUM, ESQ.
Etheridge Law Group, PLLC
2600 E. Southlake Boulevard
Suite 120/324
Southlake, TX 76092
(817) 470-7249
Brett@etheridgelaw.com

The above-entitled matter came on for hearing on Tuesday, May 8, 2018, commencing at 1:29 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
3 JUDGE WORMMEESTER: Good afternoon, everyone. We have
4 our final hearing in this case, IPR2017-00948, which concerns U.S. patent
5 number 8566960. I'm Judge Wormmeester and to my right is Judge Parvis.
6 Judge McKone is appearing remotely.

7 Let's get the parties appearances please. Who do we have for
8 Petitioner?

9 MR. SHVODIAN: Good morning, Your Honor. Dan Shvodian
10 for Petitioner from Perkins Coie. And with me is Andy Dufresne.

11 JUDGE WORMMEESTER: Thank you.

12 MR. SHVODIAN: And as I noted in our email, we are going to
13 divide the argument where Mr. Dufresne will address the amended claims.

14 JUDGE WORMMEESTER: Okay, great. Thank you.
15 Welcome. And for Patent Owner?

16 MR. MANGRUM: Good afternoon, Your Honors. Brett
17 Mangrum for the Patent Owner, Uniloc Luxembourg S.A. I'll be
18 presenting all of our evidence today.

19 JUDGE WORMMEESTER: Okay, great. Thank you.
20 Welcome. We set forth the procedure for today's hearing in our trial order.
21 But just to remind everyone the way this will work, each party will have 45
22 minutes to present arguments. Petitioner will go first and present its
23 arguments on the instituted claims and may reserve time for rebuttal.

1 Patent owner will then have the opportunity to present its response,
2 as well as its arguments on its motion to amend and may also reserve time
3 for rebuttal on its motion to amend issues.

4 Petitioner may then present rebuttal arguments and respond to Patent
5 Owner's arguments on its motion to amend. And finally, Patent Owner
6 may present rebuttal arguments regarding its motion to amend.

7 Please remember that Judge McKone will be unable to hear you
8 unless you speak into the microphone. Also, when referring to any
9 demonstrative, please state the slide number so that he can follow along.

10 And this is a reminder that the demonstratives you submitted are not
11 part of the record. The record of the hearing will be the transcript. We
12 will give you a warning when you're into your rebuttal time or reaching the
13 end of your argument time. Any questions before we proceed?

14 MR. SHVODIAN: No, Your Honor.

15 JUDGE WORMMEESTER: Okay. Judges Parvis and McKone,
16 do you have anything you want to discuss before we proceed?

17 JUDGE MCKONE: I do. But first, can you hear me okay?

18 JUDGE WORMMEESTER: Yes.

19 JUDGE MCKONE: Great. Second, I just wanted to draw the
20 parties' attention. Yesterday you may have noticed that we submitted a
21 short order in this case. By way of background in our decision on
22 institution, we instituted on all claims brought forward in the petition but not
23 all grounds, at least as to one obviousness ground for three of the claims.

1 In light of the recent Supreme Court decision in *SAS*, our standard
2 practice in instances of these have been to usually issue a standard order that
3 makes clear that the case is proceeding on all grounds and all claims. We
4 don't believe that that has any bearing on the hearing today based on the
5 arguments that the parties have presented in their briefing and in the slides.
6 However, I did want to bring your attention to it.

7 And also in the order, it mentions that there's a direction to the
8 parties to meet to confer to determine whether any additional briefing or
9 schedule changes would be necessary. We're not aware of any that would
10 be necessary, but we wanted to give you an opportunity to weigh in if you
11 want to. But as I said, we don't anticipate any impact on this hearing today.
12 And with that, we invite you to begin your presentations.

13 JUDGE WORMMEESTER: Will you be reserving time, counsel?

14 MR. SHVODIAN: Yes, Your Honor. I'd like to reserve -- we'll
15 use 15 minutes now and reserve 15 minutes for my rebuttal and then 15
16 minutes to address the amended claims.

17 JUDGE WORMMEESTER: Okay.

18 MR. SHVODIAN: And, Your Honor, if -- we're prepared to
19 discuss the *SAS* issue after the presentations are done if Your Honors would
20 like to do so today.

21 On Slide 2, I've set forth the issues that I intend to address, though
22 given the limited amount of time, I think we're going to focus on the
23 setting and the verifying limitations for both claim construction and then
24 how those limitations are taught in the prior art. But obviously I'm ready to

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.