

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY CORPORATION,
Petitioner,

v.

COLLABO INNOVATIONS, INC.,
Patent Owner.

Case IPR2017-00958 (Patent 7,023,034 B2)

Case IPR2017-00960 (Patent 7,023,034 B2)

Record of Oral Hearing
Held: May 9, 2018

Before DAVID C. McKONE, GREGG I. ANDERSON, and JENNIFER
MEYER CHAGNON, *Administrative Patent Judges*.

Case IPR2017-00958 (Patent 7,023,034 B2)

Case IPR2017-00960 (Patent 7,023,034 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 Wednesday, May 9, 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

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2 JUDGE ANDERSON: If you are not already seated, hopefully let
3 me just make it clear you can be seated. And welcome. This is the hearing
4 for IPR2017-00958 and 960. Petitioner is Sony Corporation. Patent owner
5 is Collabo Innovations, Inc., the owner of U.S. patent number 7,023,034,
6 which is the challenged patent in both of the IPR proceedings.

7 I am obviously joining you remotely. Judge McKone is on the
8 other screen there in the hearing room joining you remotely as well. Judge
9 Chagnon is there with you in person. Because Judge McKone and I are
10 remote, any demonstratives that you decide to use need to be described by
11 slide number so that both of us can follow along.

12 Per our order, each party is going to have 60 minutes to present its
13 arguments for both proceedings. You are not required to take all of the time.
14 Let me repeat that. You are not required to take all of the time. Because
15 petitioner has the burden to show unpatentability of the original claims,
16 petitioner will proceed first followed by patent owner, who will, during that
17 time, address its motion to exclude in both cases. Petitioner may reserve
18 time to rebut patent owner's opposition and the motion to exclude. And if
19 the patent owner desires to, it may reserve some time to rebut petitioner's
20 opposition to its motion to exclude.

21 For the record, we have a recent Supreme Court case, *SAS versus*
22 *Iancu*. These particular cases, we instituted on all grounds on all claims, so
23 we have no need to do anything additional to comply with that Supreme
24 Court decision which happened about a little over a week ago.

1 Also, any objection to argument presented by the opposing party
2 shall be made during the time set aside for the objecting party's argument.
3 In other words, we don't want interruptions to the arguments. People should
4 understand that we have experienced judges here. We can sort through this
5 at such time as you make the point, which can be during the presentation of
6 the party that has the objection.

7 At this time, let me have the counsel make their entry of
8 appearances. First for petitioner, please.

9 MR. SMITH: Thank you, Your Honor. This is Matthew Smith,
10 Smith Baluch, LLP, for the petitioner, Sony Corporation.

11 JUDGE ANDERSON: Can you say that again. I did not get that.

12 MR. SMITH: Yes. Matthew Smith.

13 JUDGE ANDERSON: Okay, Mr. Smith. Thank you. And for
14 patent owner?

15 MR. SAAD: Yes, Your Honor. Terry Saad on behalf of the patent
16 owner.

17 JUDGE ANDERSON: Thank you, counsel. We did receive some
18 demonstratives from the patent owner. We didn't receive any objections.
19 We assume that the petitioner has no objection to those. Is that true,
20 Mr. Smith?

21 MR. SMITH: Yes, Your Honor, we have no objection to the
22 demonstratives.

23 JUDGE ANDERSON: And on the same subject of
24 demonstratives, we did not receive any demonstratives from petitioner. So
25 we assume you are going to make your presentation without any, right?

1 MR. SMITH: That is correct. There are no petitioner
2 demonstratives, Your Honor. We may refer to portions of the record that
3 have already been filed.

4 JUDGE ANDERSON: I'm sorry, what was that? You need to be
5 closer to a microphone. I don't know whether Judge McKone is having a
6 problem, but I'm having a hard time hearing you.

7 MR. SMITH: Can you hear me from the podium microphone?

8 JUDGE ANDERSON: Pull it closer up, Mr. Smith.

9 MR. SMITH: Can you hear me now?

10 JUDGE McKONE: I don't think the microphone is on.

11 MR. SMITH: So to be clear, petitioner has no demonstratives of
12 their own. We may show portions of the record that have already been filed
13 or patent owner's demonstratives, but none of our own.

14 JUDGE ANDERSON: Okay. Well, remember, Judge McKone
15 and I are going to have a hard time seeing any of that. So you are going to
16 need to be particularly scintillating with your discussion here today.

17 Okay. So do you want to reserve any rebuttal time, Mr. Smith?

18 MR. SMITH: Yes, Your Honor, could I reserve a half hour,
19 please.

20 JUDGE ANDERSON: Okay. You can do that. And I should say
21 since how Judge Chagnon is there, she's going to keep track of the time for
22 us. And with that, Mr. Smith, you may begin your presentation right now.
23 Thank you.

24 MR. SMITH: Thank you, Judge Anderson, and members of the
25 Board. I will be very clear as to what we are talking about, which exhibits,
26 when. We are pulling up right now the patent owner's demonstrative slide,

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