

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COMCAST CABLE COMMUNICATIONS, LLC,
Petitioner,

v.

ROVI GUIDES, INC.,
Patent Owner.

Cases:

IPR2017-00950 (Patent 8,006,263 B2)
IPR2017-00951 (Patent 8,006,263 B2)
IPR2017-00952 (Patent 8,006,263 B2)
IPR2017-01048 (Patent 8,578,413 B2)
IPR2017-01049 (Patent 8,578,413 B2)
IPR2017-01050 (Patent 8,578,413 B2)
IPR2017-01065 (Patent 8,046,801 B2)
IPR2017-01066 (Patent 8,046,801 B2)
IPR2017-01143 (Patent 8,046,801 B2)¹

Record of Oral Hearing
Held: June 19, 2018

Before KEVIN F. TURNER, MICHAEL R. ZECHER, and
JESSICA C. KAISER, *Administrative Patent Judges*.

IPR2017-00950 (Patent 8,006,263 B2)
IPR2017-00951 (Patent 8,006,263 B2), et al.

APPEARANCES:

ON BEHALF OF THE PETITIONER:

FREDERIC M. MEEKER, ESQUIRE
SCOTT M. KELLY, ESQUIRE
JOSHUA DAVENPORT, ESQUIRE
Banner & Witcoff, Ltd.
1100 13th Street, N.W.
Suite 1200
Washington, D.C. 20005-4051

ON BEHALF OF THE PATENT OWNER:

SCOTT A. MCKEOWN, ESQUIRE
JAMES R. BATCHELDER, ESQUIRE
Ropes & Gray, LLP
2099 Pennsylvania Avenue, N.W.
Washington, D.C. 20006-6807

The above-entitled matter came on for hearing on Tuesday, June 19, 2018, commencing at 1:00 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

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P R O C E E D I N G S

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2 JUDGE ZECHER: So I'm Judge Zecher. To my right is Judge
3 Turner. He's participating remotely from San Jose, California. To my left is
4 Judge Jessica Kaiser. She is also participating remotely from Denver,
5 Colorado.

6 So this is an oral hearing for nine cases. I'm going to go ahead and
7 quickly list the case numbers just so the record is clear. It's IPR2017-00950,
8 IPR2017-00951, IPR2017-00952, IPR2017-01048, IPR2017-01049,
9 IPR2017-01050, IPR2017-01065 and IPR2017-01066, last but not least,
10 IPR2017-01143. So these IPRs involve a family of patents, three patents.
11 The patents at issue are U.S. patent No. 8,006,263, U.S. patent No.
12 8,578,413, and U.S. patent No. 8,046,801.

13 So we allotted the parties two hours of oral argument each. I
14 assume you guys have come to an agreement based on some e-mails about
15 when we are going to take a break. I think it's after petitioner's case in chief.
16 But when I ask the parties to come up and introduce themselves at the
17 microphone, maybe somebody could clarify that for me. But let's start with
18 having the petitioner introduce themselves. Please step to the microphone
19 just so the judges remotely can hear you.

20 MR. MEEKER: Thank you, Your Honors. Fred Meeker with the
21 law firm of Banner & Witcoff representing Comcast Cable Communications
22 LLC. With respect to timing, the petitioner had reserved its full two hours, I
23 think. Rovi had indicated they would take substantially less time. And so
24 the break that we had discussed was after petitioner's presentation, to the
25 extent there is a break, just a short break.

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1 With me, I have Mr. George Medlock, who is vice president of
2 patents and deputy general counsel for Comcast, and Seth Kramer, who is
3 also counsel for Comcast. Thank you, Your Honor.

4 JUDGE ZECHER: Thank you.

5 MR. ROWLAND: Good afternoon, Your Honor. Mark Rowland
6 of Ropes & Gray on behalf of patent owner. With me are my colleagues,
7 Scott McKeown and Jim Batchelder, who will be making the substance of
8 the argument today on behalf of patent owner. Also with us are Josef
9 Schenker, Andrew Sutton and Brittany Westglow of Ropes & Gray, and two
10 client representatives, Efrain Staino and Bruce Yen. Thank you.

11 JUDGE ZECHER: Thank you. Quick question for patent owner,
12 we didn't receive any demonstratives from you guys for these oral
13 arguments. Is that because you don't have any or are you going to work off
14 the ELMO?

15 MR. ROWLAND: We are not going to work off the ELMO, Your
16 Honor. We are just going to work off the excerpts of documents. We had
17 no prepared demonstratives, and we'll refer to demonstratives put up by --
18 submitted by petitioner.

19 JUDGE ZECHER: So it's directly from the record?

20 MR. ROWLAND: That's right, Your Honor.

21 JUDGE ZECHER: So we'll turn the floor over to petitioner to
22 begin your arguments. Thank you.

23 MR. MEEKER: Thank you, Your Honor. And we have the
24 demonstratives that we can hand up if you would like. We have a copy for
25 you, Your Honor.

26 JUDGE ZECHER: That would be great.

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1 MR. MEEKER: We would like to reserve 20 minutes of our time,
2 Your Honor.

3 JUDGE ZECHER: I'll start the clock here. Twenty-one it is.

4 MR. MEEKER: Thank you, Your Honor. May it please the
5 Board, Fred Meeker with the law firm of Banner & Witcoff representing
6 Comcast Cable Communications LLC. The oral argument will discuss IPRs
7 for U.S. patent 8,006,263, referred to as the '263 patent; U.S. patent
8 8,578,413, referred to as the '413 patent; and U.S. patent 8,046,801, referred
9 to as the '801 patent. Collectively, the '263, '413 and '801 patents will be
10 referred to as the Ellis mobile patents, which is the first named inventor of
11 the patents.

12 Slide 2 provides a table of contents for the presentation. Slide 3
13 shows the instituted grounds for the '263 patent. The case involves using a
14 remote guide to schedule recordings via a local guide. Comcast petitions
15 have shown that this remote scheduling arrangement exists in the prior art in
16 several different instituted grounds: Humpleman in combination with
17 Killian, Sato in view of Humpleman, Blake in combination with Killian.
18 Lawler and Allport are cited as teaching specific dependent claim features.

19 Slide 4 shows the instituted grounds for the '413 patent. These
20 combinations are consistent with those presented for the '263 patent.

21 Slide 5 shows the instituted grounds for the '801 patent. These
22 combinations are consistent with those presented in the '263 patent.

23 Slide 6 now turns to undisputed issues in this matter. Slide 6
24 shows that it's undisputed that claim 1 of the '263 patent is representative of
25 the six independent claims of the '263 patent.

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