

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

STINGRAY DIGITAL GROUP, INC.,
Petitioner,

v.

MUSIC CHOICE,
Patent Owner.

Case IPR2017-01192, Patent 8,769,602
Case IPR2017-01450, Patent 9,414,121

Record of Oral Hearing
Held: July 16, 2018

Before Mitchell G. Weatherly, Gregg I. Anderson, and John F. Horvath,
Administrative Patent Judges.

Case IPR2017-01192, Patent 8,769,602
Case IPR2017-01450, Patent 9,414,121

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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The above-entitled matter came on for hearing on Monday, July 16, 2018, commencing at 12:44 p.m., at the U.S. Patent and Trademark Office, Madison Building, 600 Dulany Street, Alexandria, Virginia.

1 PROCEEDINGS

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3 JUDGE WEATHERLY: This is a hearing for
4 IPR2017-01192 relating to U.S. patent 8,769,602, and IPR
5 2017-01450 relating to U.S. patent 9,414,121.

6 Petitioner is Stingray Digital Group, Inc. and
7 patent owner is Music Choice. I'm Judge Weatherly, and I'm
8 joined remotely by Judges Anderson and Horvath, who you can
9 see on the screen.

10 Because the camera, through which Judges Anderson
11 and Horvath are viewing the proceedings, is mounted above my
12 head, you may wish to turn and look at that camera when
13 addressing either of them.

14 Please be sure to describe any slides that
15 you're discussing by number so that Judges Anderson
16 and Horvath can follow along more easily. And also,
17 to help the transcript be a little clearer and easier
18 for us to -- be a little clearer and easier for us to
19 follow.

20 Pursuant to your hearing order, each party has
21 45 minutes today to present its arguments. Petitioner
22 will proceed first, because it bears the burden of
23 proving unpatentability, followed by patent owner.
24 Petitioner may reserve solely to rebut patent owner's
25 arguments.

26 I'm a little curious, though, about whether

1 the parties have talked about whether they're going to
2 present these two cases sort of serially or all at one
3 time. I'm -- all three of us on the panel are
4 completely open to what the parties' preferences are
5 for that.

6 Has there been any discussion about that
7 between the parties?

8 MR. KAPADIA: There have not.

9 JUDGE WEATHERLY: No? Petitioner, do you have any
10 preferences about the order in which the material gets
11 presented? Do you want to do like the 1192 and then sit down
12 and later do the 1450, or do you want to do it all at once?

13 MR. KAPADIA: We have no preference, but that's
14 completely acceptable.

15 JUDGE WEATHERLY: You should have objected to my
16 statement as compound. So which is acceptable? You want to
17 do both?

18 MR. KAPADIA: Yeah, let's just do both.

19 JUDGE WEATHERLY: Okay. All right. Fantastic.

20 MR. ASHBROOK: Your Honor, the patent owner is fine
21 with doing the two together, as we did last one.

22 JUDGE WEATHERLY: Sure. Sure.

23 So before we begin, I know that we've -- I see a lot
24 of familiar faces in the room. You guys remotely hear me
25 now? I see Judge Anderson nodding. Judge Horvath, can you
26 hear me?

1 JUDGE HORVATH: Yes. Much better. Thank you.

2 JUDGE WEATHERLY: All right. I thought my mic was
3 on, but apparently it wasn't.

4 Anyway, I know I see some familiar faces.
5 Nevertheless, I think for the record it would be nice
6 if each side introduced who they have with them and
7 who will be making the presentations today.

8 We'll begin with petitioner, just for the
9 Introductions.

10 MR. KASSENHOFF: Good afternoon, Judge. Allen
11 Kassenhoff on behalf of Stingray. I'll be addressing the 121
12 patent. With me is Vimal Kapadia who will be addressing the
13 602 patent, and Mr. Josh Raskin is here, as well.

14 JUDGE WEATHERLY: Thank you.

15 MR. ASHBROOK: Your Honor, I am Robert Ashbrook for
16 the patent owner, Music Choice. With me is Bob Rhoad, backup
17 counsel. And I'm pleased to have with me Ms. Karen Raybuck
18 from Music Choice.

19 JUDGE WEATHERLY: Great. Thanks very much.

20 Petitioner, how much time, if any, would you
21 like to reserve?

22 MR. KAPADIA: We would like 33 minutes for our
23 opening, and reserve the remaining 12 minutes for rebuttal.

24 JUDGE WEATHERLY: Okay.

25 MR. KAPADIA: And can we have a courtesy indication
26 after the first 18 minutes so we can switch off?

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