

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RPX CORP., ERICSSON INC.,
TELEFONAKTIEBOLAGET LM ERICSSON,
Petitioners,

v.

IRIDESCENT NETWORKS, INC.,
Patent Owner.

Case IPR2017-01661
Patent 8,036,119 B2

Record of Oral Hearing
Held: September 24, 2018

Before THOMAS L. GIANNETTI, MATTHEW R. CLEMENTS and
SCOTT B. HOWARD, *Administrative Patent Judges*.

Case IPR2017-01661
Patent 8,036,119 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

ADAM C. FOWLES, ESQUIRE
J. ANDREW LOWES, ESQUIRE
Haynes and Boone, LLP
2505 N. Plano Road
Suite 4000
Richardson, TX 75082-4101

ON BEHALF OF THE PATENT OWNER:

ROBERT R. BRUNELLI, ESQUIRE
JASON H. VICK, ESQUIRE
Sheridan Ross, PC
1560 Broadway
Suite 1200
Denver, CO 80202-5141

The above-entitled matter came on for hearing on Monday, September 24, 2018, commencing at 3:05 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 JUDGE GIANNETTI: Please be seated. So we're back from our
3 break and this is the second case we will be hearing this afternoon, case IPR
4 2017-01661. The panel is the same panel as we had for the previous case,
5 myself, Judge Giannetti, Judge Clements and Judge Howard, and again
6 Judge Howard will be presiding. Judge Howard.

7 JUDGE HOWARD: Thank you. We'll skip the preliminaries and get
8 right down to the argument. Mr. Lowes, will you be arguing again?

9 MR. LOWES: No, Your Honor. My colleague Adam Fowles will
10 argue.

11 JUDGE HOWARD: Okay. And there's 45 minutes for this argument.
12 How much time would you like to reserve?

13 MR. FOWLES: Your Honor, I'd like to reserve ten minutes of time
14 for rebuttal.

15 JUDGE HOWARD: Okay. And I will let you know when you come
16 within five minutes of that rebuttal time.

17 MR. FOWLES: Thank you.

18 JUDGE HOWARD: You may begin when you're ready.

19 MR. FOWLES: Thank you, may it please the Board, and as already
20 indicated my name is Adam Fowles. I'm representing Petitioners RPX and
21 Ericsson, just for the record.

22 Today we'll be focusing on the areas of dispute between the parties
23 and as was indicated in the previous proceeding, because claim construction
24 is shared between these two I'll be skipping that portion of my presentation
25 today unless the Board has any additional questions on that point.

1 Otherwise, turning to slide 2. The other areas of discussion we plan
2 on addressing today include first, that a POSITA would have been motivated
3 to combine Lee and Fichou with Golden, second, that a Golden combination
4 with Fichou and Lee renders obvious every limitation of independent claim
5 1. Independent claim 1 is the independent claim for which all the limitations
6 were argued in Patent Owner's reply briefing and the limitations are in
7 common with those in independent claim 13.

8 So turning to slide 3. This reproduces the independent claim 1
9 language and specifically starting at line 62 there the language of “providing
10 by the controller to the portal routing instructions for traffic corresponding to
11 the connection so that the traffic is directed by the portal based only on the
12 routing instructions” is one point that we'll be talking about today. The next
13 is the "required route supported by the portal and dynamically provisioned
14 by the controller.” And finally, about the teaching of control paths for the
15 connection are supported only between each of the originating and
16 terminating end points and the controller.

17 Just to complete this overview, turning to slide 4 there were three
18 instituted grounds for this IPR. The first ground is the combination of
19 Golden, Fichou and Lee with respect to the independent claim and the other
20 grounds rely on Golden, Fichou and Lee in combination as well with the
21 addition of Har and Pillai for certain aspects of those additional claims.

22 Turning now to slide 8. We'll just dive right into an overview of
23 Golden and the other references. Golden describes ways to provide a
24 guaranteed quality of service between any end stations providing on demand
25 reserve band with connections, what it calls virtual circuit connections, that
26 are set up when requested and when done they are released or torn down.

1 JUDGE GIANNETTI: Pardon me, counsel. Which slide are you on
2 now?

3 MR. FOWLES: I'm still on slide 8.

4 JUDGE GIANNETTI: Okay fine, I have it.

5 MR. FOWLES: Okay. We have another copy if you need it as well.

6 JUDGE GIANNETTI: I have it.

7 MR. FOWLES: So, for example, Golden teaches that one of the types
8 of services that it supports for which applications may request service is
9 video conferencing which is one of the types of high quality service
10 connections that the 119 patent itself indicates as an example. Golden
11 teaches managing these requests with what it calls an enterprise control point
12 and I've reproduced here figure 9 from Golden which illustrates this
13 enterprise control point 50 which is a controller and as well in this figure we
14 see on the left hand side what is called an upgraded host 102 that is in
15 communication with this ECP50 and we also see the ECP50 in
16 communication with switches 56 along a path, and finally we see here on the
17 right hand side a host/router 94 and you'll notice that this host/router 94 does
18 not have a signaling channel 58 to the ECP50.

19 If we could turn to slide 9, however, we see that Golden teaches that
20 this host 94 can be similarly upgraded as the host 102 on the left hand side,
21 and what would that mean? That would mean that this host 102 on the right
22 hand side when similarly upgraded would likewise include a daemon
23 process 106 and a signaling interface 104.

24 JUDGE GIANNETTI: So counsel, let me just stop you there. Is it
25 correct that this figure that you've shown in slide 9 did not appear in the
26 patent?

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.