

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GOOGLE, LLC.  
Petitioner,

v.

UNILOC USA, INC. AND UNILOC LUXEMBOURG, S.A.,  
Patent Owner.

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IPR2017-01683 (Patent 8,571,194 B2)  
IPR2017-01684 (Patent 7,853,000 B2)  
IPR2017-01685 (Patent 7,804,948 B2)

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Record of Oral Hearing  
Held: October 16, 2018

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Before KEN BARRETT, JEFFREY S. SMITH, MINN CHUNG,  
*Administrative Patent Judges.*

IPR2017-01683 (Patent 8,571,194 B2)

IPR2017-01684 (Patent 7,853,000 B2)

IPR2017-01685 (Patent 7,804,948 B2)

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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ON BEHALF OF PATENT OWNER:

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ALSO PRESENT:

David Seastrunk, Finnegan, Henderson, Farabow, Garrett and Dunner LLP

Dan Cooley, Finnegan, Henderson, Farabow, Garrett and Dunner LLP

Kai Rajan, Google

Sydney Kestle, Finnegan, Henderson, Farabow, Garrett and Dunner LLP

Jim Sherwood, Google

The above-entitled matter came on for hearing Tuesday, October 16, 2018, commencing at 1:00 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

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1 PROCEEDINGS

2 JUDGE BARRETT: You may be seated. Good afternoon, everyone. We are here  
3 for three cases. Final hearings in three cases. IPR2017-01683, 1684, and 1685, Google  
4 v. Uniloc. I am Judge Ken Barrett. At the bench with me is Judge Jeffrey S. Smith.  
5 Appearing by video is Judge Minn Chung in California. And Judge Easthom, something  
6 came up and he's unavailable today. He will not be joining us. Likely, a panel change  
7 order shall issue later today. So I'd like to start with parties' appearances. Who do we  
8 have for Petitioner?

9 MS. ARNER: Hi, this is Erika Arner from Finnegan, Henderson, Farabow,  
10 Garrett and Dunner. I'm the lead counsel for Petitioner, Google. I'm joined at the table  
11 by back up counsel, David Seastrunk. Also in the room are back up counsel, Dan Cooley  
12 and Kai Rajan, together with Cara -- or Sydney, excuse me, Sydney Kestle from  
13 Finnegan, and from Google, their representative is Jim Sherwood.

14 JUDGE BARRETT: Thank you. And for Patent Owner?

15 MR. MANGRUM: Good afternoon, Your Honors. My name is Brett Mangrum. I  
16 am the lead counsel for Patent Owner. I'm representing the Uniloc entities today and I  
17 will be presenting all arguments on behalf of Patent Owner.

18 JUDGE BARRETT: Thank you, counsel. Our trial order set forth the procedure  
19 for today's hearings. I'll go over it just very quickly. For each case, each party will have  
20 45 minutes total -- I'm sorry. Each party will have 45 minutes total for all three cases.  
21 We will have one continuous transcript for all the three proceedings so there's no need to  
22 go back and repeat anything you said for any of the other cases. My understanding is the  
23 parties plan to address all three cases more or less concurrently rather than sequentially,  
24 but if there are arguments directed to any specific case or cases, if you'd please identify  
25 those that will help us all later in the transcript. Also for clarity and the transcript, and to

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1 assist Judge Chung, any time you are referring to an exhibit on the screen or an exhibit in  
2 the record, please identify that by the exhibit and page number, or for the demonstratives,  
3 the slide number. Petitioner shall go first and may reserve time for rebuttal. Patent  
4 Owner will then have the opportunity to respond, and Petitioner may present the rebuttal  
5 argument with any time remaining. I'm not going to use the timer. I will be keeping  
6 track of time and give you warnings when you're approaching the end. Any questions?

7 MR. MANGRUM: Yes, Your Honor. Quick question from Patent Owner. Will  
8 there be surrebuttal time for Patent Owner in this matter?

9 JUDGE BARRETT: Would you like some?

10 MR. MANGRUM: Yes, Your Honor.

11 JUDGE BARRETT: You may reserve time when you approach. Understand  
12 though, I will probably give Petitioner the option to another minute or two at the very  
13 end, if necessary.

14 MR. MANGRUM: Thank you, Your Honor.

15 JUDGE BARRETT: And with that, Petitioner you may begin.

16 MS. ARNER: Thank you. We have paper copies of our demonstratives for Your  
17 Honors. If you'd like them, we can hand them up.

18 JUDGE BARRETT: We're fine. We have them pulled up on the screen, but thank  
19 you.

20 (Pause.)

21 MS. ARNER: I'd like to reserve 15 minutes for rebuttal, please.

22 JUDGE BARRETT: All right. 15 minutes.

23 MS. ARNER: May it please the Board, today we are talking about three IPR  
24 proceedings involving three patents. The patents are related by a continuation chain  
25 that's shown on Side 2. The -- while there are three patents and many claims between the

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1 three, there are fairly few issues that need to be resolved. Most of the questions have  
2 already been answered over the course of the IPRs. So turning to Slide 3, you see the  
3 claims that have already been challenged in previous IPRs. There's a chart here to help  
4 keep track of the claims in each of the three patents, and those in red have been found  
5 unpatentable over other prior art, other combinations in prior IPRs. Google has, in these  
6 petitions, challenged additional claims, and those are boxed there in the yellow or gold.  
7 And while those are newly challenged in these IPRs, the Patent Owner has not separately  
8 argued the patentability of those claims other than to argue the underlying independent  
9 claims or for Claim 16 of the 194, the corresponding Claim 1. The instituted grounds of  
10 unpatentability are shown on Slide 4 and there are -- there is one combination,  
11 obviousness grounds instituted for all of the challenged claims per patent.

12 Over Tanigawa and Liversidge for the triple 0 and 948 patents and over Liversidge  
13 in combination with Beyda in the 194 patent proceeding. Slide 5 is a figure from the  
14 common specification to the extent there are any minor differences between the  
15 specifications, they're not relevant to the proceedings here. And Figure 4 was used by  
16 the parties in the Board as an example of the system of the patents. And as shown in  
17 Figure 4 on Slide 5, there are multiple users called here users A through D, who are using  
18 either phones and computers or NAD network access devices to take advantage of what  
19 the patents describe as the real focus of the patents, which is the ability to convert from  
20 an IM chatting session into a voice call.

21 And so you'll see in Figure 4 there's an IM communications processor as part of  
22 Element 402 which is the conference call server. And the conference call server has that  
23 IM communications processor for the IM communications going on the instant  
24 messaging communications between users. There is also a database in the conference  
25 call server that stores account information, user information, history, providers, et cetera.

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