

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC.,
Petitioner,

v.

SMART AUTHENTICATION IP, LLC,
Patent Owner.

Case IPR2017-02047
Patent 8,082,213 B2

Record of Oral Hearing
Held: November 6, 2018

Before KEVIN W. CHERRY, MICHELLE N. WORMMEESTER, and
JAMES A. WORTH, *Administrative Patent Judges*.

Case IPR2017-02047
Patent 8,082,213 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

ROSHAN MANSINGHANI, ESQUIRE
JONATHAN R. BOWSER, ESQUIRE
Unified Patents
13355 Noel Road
Suite 1100
Dallas, Texas 75240

ON BEHALF OF PATENT OWNER:

TAREK N. FAHMI, ESQUIRE
Ascenda Law Group
333 W. San Carlos Street
Suite 200
San Jose, California 95110-2730

The above-entitled matter came on for hearing on Tuesday, November 6, 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

- - - - -

JUDGE WORMMEESTER: Good afternoon, everyone. We have our final hearing in IPR2017-02047, Unified Patents, Inc., v. Smart Authentication IP, LLC, which concerns U.S. patent number 8,082,213. I'm Judge Wormmeester, and with me are Judge Cherry and Judge Worth.

Let's get the parties' appearances, please. Who do we have for petitioner?

MR. MANSINGHANI: Good afternoon. My name is Roshan Mansinghani. And my colleague, Jonathan Bowser, is here with me. We both work at Unified Patents.

JUDGE WORMMEESTER: Thank you. Welcome. Who will be presenting the arguments?

MR. MANSINGHANI: I will, thank you.

JUDGE WORMMEESTER: And for patent owner, who do we have?

MR. FAHMI: Good afternoon, Your Honors. Tarek Fahmi on behalf of the patent owner.

JUDGE WORMMEESTER: Thank you. Welcome. We set forth the procedure for today's hearing in our trial order, but just to remind everyone the way this will work, each party will have 60 minutes to present arguments. Petitioner has the burden and will go first and may reserve time for rebuttal. Patent Owner will then have the opportunity to present its

1 response. And when referring to any demonstrative, please remember to
2 state the slide for the record -- the slide number for the record. Also, this is a
3 reminder that the demonstratives you submitted are not part of the record.
4 The record of the hearing will be the transcript.

5 We will give you a warning when you are into your rebuttal time
6 or nearing the end of your argument time.

7 Are there any questions before we start? Okay, will you be
8 reserving any time?

9 MR. MANSINGHANI: Yes, I would like to reserve 20 minutes
10 for rebuttal.

11 JUDGE WORMMEESTER: Twenty minutes, okay. And you
12 may start when you are ready.

13 MR. MANSINGHANI: I'm ready to begin. Good afternoon.
14 Thank you so much for your time here today. I represent Unified Patents.
15 We do believe that the challenged claims are unpatentable, and today we are
16 here to present to you a summary of the reasons why, but also most
17 importantly to answer your questions. So if you do have questions as I'm
18 presenting, feel free to interrupt me. My main goal is to answer your
19 questions more than anything else.

20 On slide 2 I have got a summary of what I want to talk about
21 today, and what I would like to start with is slide 3, which is just giving a
22 brief overview of the patent so we are all on the same page.

23 So the '213 patent is addressed to a problem of how to authenticate
24 a user that is remote whose identity may have been stolen while trying to

1 deal with an online service, for example, logging into a bank. So on the
2 right we have Figure 3 that's been annotated just with colors and some
3 examples in the annotations to explain the solution. And on slide 4, we have
4 the proposed solution that the patent provides.

5 The first part of this solution is to give the user the control to be
6 able to tell the authentication system these are the policies I would like and
7 be able to set it up per site or per service. That aspect of the claims is
8 actually not at issue today. So I'm not going to focus on it, but that is part of
9 the proposed solution.

10 The second part is where most of the focus today, I imagine, will
11 be presented. That's where most of the parties' dispute is, and that is when
12 you are dealing in a situation where a user's identity may have been stolen,
13 the Smart Authentication patent, the '213 patent, proposes a solution. That
14 solution is: instead of the user just providing one piece of authentication
15 information, let's let them provide more than one, and in the example we are
16 discussing here, two.

17 So the two that would be provided would be the user would
18 provide secret information such as their password, something that only the
19 user is supposed to know, but this is the piece that can be stolen. So as a
20 failsafe, let's also have the user provide evidence that they control a tangible
21 object like a cell phone.

22 And how this works is we've got some slides on that as well. So
23 turning to the next slide, slide 5, we have the same figure, but now we have
24 highlighted the communication channels in blue, red and green, since that's

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.