

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS,
Petitioner,

v.

BRIDGE AND POST, INC.,
Patent Owner.

Case IPR2018-00054 (Patent 8,862,747 B2¹)
Case IPR2018-00055 (Patent 8,862,747 B2¹)

Record of Oral Hearing
Held: January 17, 2019

Before JONI Y. CHANG, BARBARA A. PARVIS, and KEVIN C.
TROCK, *Administrative Patent Judges.*

Case IPR2018-00054 (Patent 8,862,747 B21)

Case IPR2018-00055 (Patent 8,862,747 B21)

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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The above-entitled matter came on for hearing on Thursday, January 17, 2019, commencing at 1:05 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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JUDGE CHANG: Good afternoon. I'm administrative patent judge Joni Chang. Here with me is Judge Barbara Parvis. Judge Kevin Trock is joining us remotely from San Jose, California. And please introduce yourself at this time, starting with the petitioner.

MR. ALEXANDER: Good afternoon, Your Honor. Jay Alexander, counsel for the petitioner. With me today is my co-counsel, Mr. Peter Chen.

MS. ROBINSON: Lauren Robinson, counsel for patent owner, Bridge and Post. With me today is my partner, Denise De Mory. And also with us is Nitin Shah, the named inventor of the '747 patent and founder of Feeva, who invented the technology.

JUDGE CHANG: Thank you so much and welcome. This is a consolidated oral hearing for IPR2018-00054 and 55 involving patent 8,862,747. This hearing is open to the public. The transcript will be entered in both cases and is usable across both cases. Please note that the demonstratives, exhibits, are neither evidence nor substantive briefs. Rather, they are merely visual aids. We did enter into our files, and there was no objections from either party. May I ask, did you provide a hard copy to the court reporter?

1 MR. ALEXANDER: We did, Your Honor. Would either you or
2 Judge Parvis like an extra hard copy today?

3 JUDGE CHANG: I would like to, thank you.

4 JUDGE PARVIS: I would like one as well.

5 JUDGE CHANG: Because Judge Trock is participating remotely,
6 I just want to remind counsel that please speak only at the podium. And also
7 for clarity, when you present, please speak clearly and also refer to the slide
8 number.

9 Also, consistent with our prior order, each party has a total of
10 60 minutes for both cases to present their argument. And petitioner will
11 proceed first to present its case as to the challenged claims in both cases, and
12 thereafter, patent owner will respond to the petitioner's case. Petitioner may
13 reserve a small portion of time for rebuttal.

14 Is there any questions at this time? No, okay. Counsel for
15 petitioner, you may start whenever you are ready.

16 MR. ALEXANDER: Thank you, Your Honors. Although the
17 patent at issue and the claims at issue have many limitations, the parties have
18 narrowed the issues to a relatively few number, and we have --

19 JUDGE CHANG: Sorry to interrupt. Would you like to reserve a
20 rebuttal time?

21 MR. ALEXANDER: I'm sorry. Yes, we would like to reserve
22 15 minutes, if we could.

1 JUDGE CHANG: Okay. Let me start the timer for you. Hold on.
2 Okay, you may begin.

3 MR. ALEXANDER: Thank you. We have listed the issues in
4 dispute in slide 3. I'm Jay Alexander. I will be speaking toward the issues
5 specific to the combination of Harada, Roker and Brijesh in ground 1. My
6 co-counsel, Mr. Chen, will speak to the issues regarding the priority date of
7 the '747 patent and the ground 2 based on Candelore.

8 JUDGE CHANG: Before you begin, so you asserted that one of
9 the prior art is prior art because the patent is not entitled to the priority date.
10 But also in the petition, you asserted the Brijesh reference as prior art under
11 102(a) or (e). Now, are you abandoning that argument?

12 MR. ALEXANDER: Not at all, Your Honor.

13 JUDGE CHANG: Because I don't see that in here.

14 MR. ALEXANDER: Yeah, we did not list it in the slides.
15 Mr. Chen is going to speak to that in more detail. But we do contend Brijesh
16 is prior art under 102(a), (b) and (e). We think because the patent should not
17 get priority date, it's 102(b). But even if the Board were to decide otherwise,
18 it's still 102(a) prior art and because the Brijesh and the '747 patent are
19 different inventive entities and therefore, the invention was by another
20 before the provisional date.

21 JUDGE CHANG: I just don't see it in your slide or the
22 presentation. So I just wondered.

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