

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COMCAST CABLE COMMUNICATIONS, LLC,
Petitioner,

v.

PROMPTU SYSTEMS CORPORATION,
Patent Owner.

Case IPR2018-00340 (Patent 7,260,538)

Case IPR2018-00341 (Patent 7,260,538)

Record of Oral Hearing
Held: January 28, 2019

Before JAMESON LEE, ROBERT KINDER, and ALEX S. YAP,
Administrative Patent Judges.

Case IPR2018-00340 (Patent 7,260,538)

Case IPR2018-00341 (Patent 7,260,538)

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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ON BEHALF OF PATENT OWNER:

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The above-entitled matter came on for hearing on Monday, January 28, 2019, commencing at 10:00 a.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

1 P R O C E E D I N G S

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3 JUDGE KINDER: Good morning. Please be seated. Good
4 morning, everyone. I'm Judge Kinder, and with me today in Alexandria is
5 Judge Jameson Lee, and remote today will be judge Alex Yap from our
6 remote location out in California. And today's this morning's case is
7 Comcast Cable Communications, LLC versus Promptu Systems
8 Corporation, and the two IPRs we're going to be going through this morning,
9 IPR2018-00340 and IPR2018-00341. And both of those IPRs involve U.S.
10 Patent Number 7,260,538.

11 If we could have counsel make an appear. If we have Petitioner
12 first.

13 MR. DAY: Good morning, Your Honors, James Day with Farella,
14 Braun & Martel, for Petitioner Comcast. I am joined by my partner, Daniel
15 Callaway.

16 JUDGE KINDER: Mr. Day, who will be arguing for you today?

17 MR. DAY: I will, Your Honor.

18 JUDGE KINDER: Okay. And Patent Owner, please?

19 MR. SCHROEDER: Good morning, Your Honors. My name is
20 Jacob Schroeder from Finnegan Henderson, and with me is lead counsel,
21 Josh Goldberg, and at counsel table with me is Dan Klodowski. And Dan
22 Klodowski and I will split the argument this morning.

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1 JUDGE: All right. Thank you. So this morning's arguments, as I
2 mentioned, are for the 340 and 341 IPRs. Each party will have a total of 60
3 minutes of argument time, and I appreciate the parties pretty much coming
4 to a joint agreement on that. The parties may allocate their argument time at
5 their discretion over each of the two cases, not to exceed 60 minutes in total
6 for each party.

7 The Petitioner will go first and present arguments, then the Patent
8 Owner will have the opportunity to rebut those arguments. The Petitioner
9 may use any time it has reserved for rebuttal, and then we also now allow
10 Patent Owner to present a brief sur-rebuttal time. One point on those, the
11 rebuttal and sur-rebuttal should not introduce anything new. It should be
12 specifically responding to those things that were brought up. If we think
13 something is new, we may stop you, okay? So make sure it's very tight on
14 that.

15 And I think that is it. We didn't have any objections on
16 demonstratives as far as I recall, so I think we will be ready to begin, but
17 before we do, I want to get your time for each party.

18 So, Petitioner, how much time would you like to reserve for your
19 rebuttal?

20 MR. DAY: I'll reserve five minutes, Your Honor.

21 JUDGE KINDER: So just to make sure I've got the math, you're
22 going 55 minutes?

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1 MR. DAY: That's what I'm anticipating. I would like to reserve
2 whatever I don't use of my 60 minutes, but I anticipate about five.

3 JUDGE KINDER: All right. So I will set the initial timer for 55
4 minutes and then you will have five left, okay?

5 MR. DAY: Okay.

6 JUDGE KINDER: Patent Owner, do you know how long you
7 want to reserve for your sur-rebuttal?

8 MR. SCHROEDER: I think about 10 minutes, Your Honor, is
9 what we're anticipating.

10 JUDGE KINDER: Okay. Again, nothing new, so it would just be
11 direct response.

12 MR. SCHROEDER: Yes, Your Honor.

13 JUDGE KINDER: Thank you. All right, I think we are ready.
14 Mr. Day, if you will.

15 MR. DAY: Great. Thank you, Your Honor.

16 JUDGE KINDER: Before we -- does either party have
17 demonstratives they wanted to hand out? I see some here on the table. And
18 I hope Judge Yap has electronic copies that you all have provided.

19 JUDGE YAP: I do.

20 JUDGE KINDER: Okay. One last instruction, I think both of you
21 have probably had proceedings before us before. Especially for Judge Yap's
22 benefit, any time you refer to a demonstrative or slide number, please start
23 your sentence with the slide number that you're on so he's able to see it. He

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