

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 IPR2018-00342 (Patent RE44,326)

Case IPR2018-00343 (Patent RE44,326)

Case IPR2018-00344 (Patent 7,047,196)

Case IPR2018-00345 (Patent 7,047,196)

Record of Oral Hearing
Held: January 28, 2019

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

IPR2018-00342 (Patent RE44,326)
IPR2018-00343 (Patent RE44,326)
IPR2018-00344 (Patent 7,047,196)
IPR2018-00345 (Patent 7,047,196)

APPEARANCES:

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The above-entitled matter came on for hearing on Monday, January 28, 2019, commencing at 2:00 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

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1 PROCEEDINGS

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3 JUDGE KINDER: Please be seated. All right, good afternoon,
4 everyone. I am Judge Kinder, and with me today in Alexandria is Judge
5 Jameson Lee, and remote from California is Judge Alex Yap.

6 If we could have your appearance. For Petitioner?

7 MR. DAY: Good afternoon, Your Honor. James Day, Farella,
8 Braun & Martel, for Petitioner Comcast. I am joined by my partner, Daniel
9 Callaway.

10 JUDGE KINDER: Okay. For Patent Owner?

11 MR. SCHROEDER: Good afternoon, Your Honor. Jacob
12 Schroeder from Finnegan on behalf of Promptu. And with me at counsel
13 table is Cory Bell and lead counsel Joshua Goldberg as well.

14 JUDGE KINDER: All right. This is a proceeding for Comcast
15 Cable Communications, LLC as the Petitioner, versus Promptu Systems
16 Corporation, the Patent Owner. This afternoon we're going to cover IPR
17 2018-00342, 343, involving U.S. Patent Number -- it's a reissue, so
18 RE44326. And also proceedings IPR2018-00344 and 345, involving U.S.
19 Patent Number 7,047,196.

20 Before we went off for lunch, I asked the parties to consider
21 whether the Board could use transcripts from the morning proceedings in
22 some areas where there's overlapping. So I'll ask Petitioner's counsel first
23 if -- did the parties reach any agreement?

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1 MR. DAY: Yes, Your Honor. We agree that the transcripts from
2 this morning's proceeding could be used in these IPRs and that the transcript
3 from this afternoon could be used in this morning's IPRs. Just to be clear,
4 our understanding is that means we can't touch on some topic this afternoon
5 just because it was touched on earlier today.

6 JUDGE KINDER: That is correct. It's really for our benefit how
7 we can write the cases up and what we can cite to. So just for the record,
8 this morning's proceedings were IPR2018-00340 and 341. So those are -- so
9 the parties have agreed to allow interchangeability for the Board when
10 writing up the final written decisions to cite from transcripts from either
11 proceeding.

12 MR. SCHROEDER: Yes, Your Honor.

13 JUDGE KINDER: Or either transcript, I should say. Excuse me.

14 All right. This afternoon for these four proceedings, I think we've
15 given the parties a total of 75 minutes of argument time. The parties may
16 allocate that time at their discretion over the four cases, but again, 75
17 minutes total. Petitioner will go first. Patent Owner will then have the
18 opportunity to respond. Petitioner may reserve rebuttal time to respond to
19 the Patent Owner arguments, and then the Patent Owner, again, is allowed a
20 brief surrebuttal if it decides to reserve time.

21 As I mentioned this morning, no new issues or arguments for
22 rebuttals, just covering what has already been addressed. And as I
23 mentioned this morning, too, Judge Alex Yap is remote, so please mention
24 the transcript -- or excuse me, the demonstrative slide number or exhibit

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1 number when you're presenting something so he can follow and we can also
2 have a clean record of that.

3 Are there any questions at this time from either party?

4 MR. DAY: No, Your Honor.

5 MR. SCHROEDER: No, Your Honor.

6 JUDGE: All right. Petitioner, how much time would you like to
7 reserve for your reply?

8 MR. DAY: Your Honor, I'd like to reserve 10 minutes, again,
9 reserve whatever time is left of the 75.

10 JUDGE KINDER: So I'll split you 65 and 10, approximately.

11 MR. DAY: That would be great. Thank you.

12 JUDGE KINDER: All right.

13 MR. SCHROEDER: Your Honor, we would like to reserve 10
14 minutes for our surrebuttal as well.

15 JUDGE KINDER: All right. Whenever you're ready, Mr. Day.

16 MR. DAY: All right. Good afternoon, Your Honors. This
17 afternoon, we're talking about two patents in four different IPRs, it's the '326
18 patent and the '196 patent. I'd like to start by talking about the '196 patent.
19 It's the earlier issued patent. It's at issue in the 344 and 345 patent
20 proceedings.

21 Let's talk about this patent. It's based on a different specification.
22 It's not related to the patent that we talked about earlier today, the '538. It's a
23 different specification. And the '196 patent talks about a method system --
24 I'm on slide 3 -- just talking about the abstract. It says system for
25 recognizing over a back channel from multiple users, to recognize the voice

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