

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SNAP INC.,
Petitioner,

v.

VAPORSTREAM, INC.,
Patent Owner.

Case IPR2018-00200 (Patent 8,886,739 B2)
Case IPR2018-00312 (Patent 9,306,885 B2)
Case IPR2018-00369 (Patent 9,313,155 B2)
Case IPR2018-00397 (Patent 9,306,886 B2)
Case IPR2018-00404 (Patent 8,935,351 B2)
Case IPR2018-00408 (Patent 9,338,111 B2)

Record of Oral Hearing
Held: March 27, 2019

Before JUSTIN T. ARBES, STACEY G. WHITE, and
JENNIFER MEYER CHAGNON, *Administrative Patent Judges*.

Case IPR2018-00200 (Patent 8,886,739 B2)
Case IPR2018-00312 (Patent 9,306,885 B2)
Case IPR2018-00369 (Patent 9,313,155 B2)
Case IPR2018-00397 (Patent 9,306,886 B2)
Case IPR2018-00404 (Patent 8,935,351 B2)
Case IPR2018-00408 (Patent 9,338,111 B2)

APPEARANCES:

ON BEHALF OF THE PETITIONER:

HEIDI KEEFE, ESQ.
Cooley, LLP
3175 Hanover Street
Palo Alto, California 94304-1130
650-843-5001

ON BEHALF OF THE PATENT OWNER:

MICHAEL F. HEIM, ESQ.
DOUGLAS WILSON, ESQ.
Heim, Payne & Chorush, LLP
Heritage Plaza
1111 Bagby Street
Suite 2100
Houston, Texas 77002
713-221-2001 (Heim)
512-343-3622 (Wilson)

The above-entitled matter came on for hearing on Wednesday,
March 27, 2019, commencing at 1:00 p.m. at the U.S. Patent and Trademark
Office, 600 Dulany Street, Alexandria, Virginia.

Case IPR2018-00200 (Patent 8,886,739 B2)
Case IPR2018-00312 (Patent 9,306,885 B2)
Case IPR2018-00369 (Patent 9,313,155 B2)
Case IPR2018-00397 (Patent 9,306,886 B2)
Case IPR2018-00404 (Patent 8,935,351 B2)
Case IPR2018-00408 (Patent 9,338,111 B2)

1 PROCEEDINGS

2 - - - - -

3 JUDGE ARBES: Good afternoon. This is the oral hearing in six
4 cases: Cases IPR2018-00200, 312, 369, 397, 404, and 408. Can counsel
5 please state your names for the record?

6 MS. KEEFE: Good afternoon, Your Honors. Heidi Keefe on
7 Behalf of Petitioner Snap. And with me at counsel table is my colleague
8 Yuan Liang, L-I-A-N-G.

9 MR. WILSON: Good afternoon, Your Honor. For Patent Owner,
10 Douglas Wilson, who will be arguing. My partner, Michael Heim, who will
11 also be arguing.

12 We have with us Blaine Larson, our partner, and also Bill Mahone, a
13 director at Vaporstream.

14 JUDGE ARBES: Thank you. Per the Trial Hearing Order, each
15 party will have 90 minutes of total time to present arguments for all of the
16 cases.

17 The order of presentation is Petitioner will present its case first
18 regarding the challenge claims for all of the cases. You may reserve time
19 for rebuttal, but not more than 45 minutes.

20 Patent Owner then will respond to Petitioner's presentation and may
21 reserve some of its own time for sur-rebuttal. Petitioner then may use any

Case IPR2018-00200 (Patent 8,886,739 B2)
Case IPR2018-00312 (Patent 9,306,885 B2)
Case IPR2018-00369 (Patent 9,313,155 B2)
Case IPR2018-00397 (Patent 9,306,886 B2)
Case IPR2018-00404 (Patent 8,935,351 B2)
Case IPR2018-00408 (Patent 9,338,111 B2)

1 remaining time to respond. And finally, Patent Owner may use any
2 remaining time for a brief sur-rebuttal.

3 A few reminders before we begin. One, to ensure that the transcript
4 is clear, and because we have one judge participating remotely, please only
5 speak at the podium and try to refer to your demonstratives by slide number.

6 Also, if either party believes that the other party is presenting an
7 improper argument, we ask you to please raise that during your own
8 presentation rather than objecting and interrupting the other side.

9 Finally, we received Patent Owner's list of objections to some of
10 Petitioner's demonstratives. We will not preclude Petitioner from using the
11 demonstratives it submitted today. I would just remind the parties that
12 demonstrative exhibits are merely visual aids.

13 They are merely designed to assist at the hearing today. They're not
14 briefs, they're not evidence. And if there are any substantive arguments
15 today that are improper, those arguments will not be considered.

16 Any questions from either party? Okay. And just to make sure,
17 Judge White, can you hear us?

18 JUDGE WHITE: Yes, I can.

19 JUDGE ARBES: Thank you. Okay, counsel for Petitioner, you
20 may proceed. Would you like to reserve time for rebuttal?

Case IPR2018-00200 (Patent 8,886,739 B2)

Case IPR2018-00312 (Patent 9,306,885 B2)

Case IPR2018-00369 (Patent 9,313,155 B2)

Case IPR2018-00397 (Patent 9,306,886 B2)

Case IPR2018-00404 (Patent 8,935,351 B2)

Case IPR2018-00408 (Patent 9,338,111 B2)

1 MS. KEEFE: Thank you, Your Honor. Yes, I'd like to reserve 45
2 minutes, although I'm deeply hoping that it won't require that much time,
3 either before or after.

4 JUDGE ARBES: Okay.

5 MS. KEEFE: Thank you, Your Honors. I think both parties have
6 approached all of the collective cases as essentially receive side or send side.

7 And so I wanted to do the presentation today, essentially as though
8 that were exactly the case. And so we'll start with the send side patents.

9 And the send side patents are patent 739, 885 and 155. And I've
10 merely clicked through Slides 2, 3, 4 and 5, to demonstrate which patents are
11 incorporated into the send side.

12 As Your Honors are well aware, all of these patents deal generically,
13 and I'll refer to the 739 patent, which is on Slide 3, all of these patents can be
14 lumped together because the send side patents all talk about having two
15 separate displays at the sender side.

16 One display on which content is entered, another display on which
17 the recipient address is entered. A message ID is then associated with the
18 content and the recipient address so that it can be found later, even though
19 they have been separated in their send, and then each thing, the content and
20 the recipient, are transmitted separately.

21 All the claims require essentially the same elements. And so what
22 we're looking for is to make sure that there are two separate displays. One

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.