

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SNAP INC.,
Petitioner,

v.

VAPORSTREAM, INC.,
Patent Owner.

Case IPR2018-00416 (Patent 9,413,711 B2)
Case IPR2018-00439 (Patent 9,413,711 B2)
Case IPR2018-00455 (Patent 9,313,157 B2)
Case IPR2018-00458 (Patent 9,313,156 B2)

Record of Oral Hearing
Held: April, 17, 2019

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

IPR2018-00416 (Patent 9,413,711 B2)
IPR2018-00439 (Patent 9,413,711 B2)
IPR2018-00455 (Patent 9,313,157 B2)
IPR2018-00458 (Patent 9,313,156 B2)

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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The above-entitled matter came on for hearing on Wednesday, April, 17, 2019, commencing at 1:00 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

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PROCEEDINGS

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JUDGE ARBES: Good afternoon everyone, please be seated. This is the oral hearing in four cases today: Cases IPR2018-00416, 439, 455, and 458. Can counsel please state your names for the record?

MS. KEEFE: Good afternoon, Your Honors. Heidi Keefe on behalf of petitioner Snap. With me at table is Yuan Liang and he will also be presenting a portion of the argument. Thank you.

MR. WILSON: Good afternoon, Your Honors. On behalf of patent owner, Douglas Wilson of Heim, Payne and Chorush and with me is my partner Michael Heim who will also be arguing. And also with us is Avi Elkoni who is the chief operating officer and chief technical officer of Vaporstream.

JUDGE ARBES: Per the Trial Hearing Order in these cases, each party will have 90 minutes of time to present arguments for all four cases. The order of presentation is first, petitioner will present its case regarding the challenged claims and may reserve time for rebuttal, but no more than 45 minutes. Patent owner then will respond to petitioner's presentation and can address its motions to amend and may reserve some of its time for sur-rebuttal.

Petitioner then may use any remaining time to respond to patent owner's presentation regarding the challenged claims and motions to amend, and finally patent owner may use any remaining time for a brief sur-rebuttal.

Again, as before with the previous hearings, a few reminders. To ensure that the transcript is clear and because we have two judges

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1 participating remotely, please only speak into the podium. Please speak at
2 the podium and refer to demonstratives by slide number when you can.

3 If either party believes that the other party is presenting an improper
4 argument, we would ask you again to raise that during your own
5 presentation rather than interrupting the other side.

6 Any questions before we begin today? Okay. Counsel for petitioner,
7 you may proceed, and would you like to reserve time for rebuttal?

8 MS. KEEFE: Yes, Your Honor, I would like to reserve 45 minutes.
9 Hopefully I won't need all of that. And I would also like at the very
10 beginning to appreciate and thank the Board's indulgence in allowing this
11 hearing to happen here. I have already thanked again patent owner, and my
12 mom thanks you when I will see her tonight for dinner so thank you again
13 very much for that indulgence.

14 Now I know that Judge Siu wasn't here last time but we actually
15 argued about almost all of these receive side and send side limitations last
16 time. I will however go through them briefly but please, if there's any
17 questions that you have, feel free to interrupt me at any point because
18 obviously what I'm here for most is to make sure that I answer your
19 questions, not simply to go through whatever presentation materials we
20 have.

21 I will start however, with the send side patents. And I'm sure Your
22 Honors know, there are essentially three groups, groupings that can be made
23 of the patents in these cases. The first here today for the 156 deals with what
24 happens on the sending side of sending a video message from one sender to
25 another.

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1 Then we have what happens on the receiving end and then finally as
2 kind of a bring it all together we have what I call the server side patents
3 which show the end to end transmission. So the beginnings at the sender
4 side and the recipient at the receiver side.

5 Within the send side patents, we have Claim 1 which is very familiar
6 to the other send side patents that we have already discussed which talks
7 about associating message content with which includes a media component
8 and in the case of all of our references, it's a video. That will be displayed at
9 the sending user device.

10 You have to associate an identifier with the recipient of the message
11 and make sure that there are two separate displays on the sender side device
12 for entering information first about the recipient on one display and content
13 on the other display or vice versa.

14 That message content is then transmitted including a media
15 component from the sending device to a server computer and then the
16 identifier of the recipient is also transmitted as well.

17 The send side references, the main reference in all of the send side
18 claims is the Namias reference. And the Namias reference as we know is a
19 kiosk style computer which has at its core a touch screen described in the
20 patent as a touch screen enabled by a PC or other processing computer, that
21 enables a user who wants to send a video to someone else to through a series
22 of wizard type screens send information from a sender to a recipient.

23 In Namias Figure 4A, we see the first display screen and in that
24 display screen, nothing but the message content is shown. The message
25 content is the video that you are going to send.

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