

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MMODAL, LLC,
Petitioner,

v.

NUANCE COMMUNICATIONS, INC.,
Patent Owner.

Case IPR2018-01431 (Patent 8,117,034 B2)
Case IPR2018-01435 (Patent 6,999,933 B2)

Oral Hearing Held: November 15, 2019

Before KEN B. BARRETT, NEIL T. POWELL, and CHRISTA P. ZADO,
Administrative Patent Judges.

Case IPR2018-01431 (Patent 8,117,034 B2)

Case IPR2018-01435 (Patent 6,999,933 B2)

APPEARANCES:

ON BEHALF OF THE PETITIONER:

JONATHAN M. STRANG, ESQUIRE
Latham & Watkins, LLP
555 Eleventh Street, N.W.
Suite 1000
Washington, D.C. 20004

ON BEHALF OF THE PATENT OWNER:

ANISH DESAI, ESQUIRE
Weil Gotschall & Manges, LLP
2001 M Street, N.W.
Suite 600
Washington, D.C. 20036

The above-entitled matter came on for hearing on Friday, November 15, 2019, commencing at 1:01 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia, before Donna Jenkins, Notary Public.

P R O C E E D I N G S

1 - - - - -

2 JUDGE POWELL: Good afternoon. This is a hearing
3 for IPR 2018-01431 which involves U.S. patent 8,117,034 B2
4 and IPR 2018-01435 which involves U.S. patent 6,999,933 B2.
5 Judge Barrett joins me in the hearing room and Judge Zado joins
6 us remotely, and counsel please state your names for the record
7 starting with Petitioner.

8 MR. STRANG: Thank you, Your Honor. Jonathan
9 Strang for Petitioner MModal and with me today I have Inge
10 Osman, also of Latham & Watkins and Amish Shodhan running
11 the slides, and I have a representative Eva Mendelsohn behind
12 me in the audience and Kevin Wheeler, also from Latham &
13 Watkins, Your Honor.

14 JUDGE POWELL: Thank you. And Patent Owner.

15 MR. DESAI: Good afternoon, Your Honor. Amish
16 Desai for Patent Owner from Weil Gotshal. With me also from
17 Weil Gotshal is Steve Quidu (phonetic) and counsel Brian
18 Ferguson, Stephen Bosco, Tim Anderson and from the client
19 Nuance Daniel Greenbaum.

20 JUDGE POWELL: Thank you. Before we begin I
21 want to -- some of the papers and exhibits in the record have
22 been entered under seal and I want to remind everybody that
23 because this is a public hearing any information that the parties
24 want to maintain as confidential should not be presented or

1 discussed in the hearing. With that out of the way, as the Trial
2 Order specified each side will have 60 minutes of argument time.
3 We will start with the Petitioner and then hear from the Patent
4 Owner. When you present, please identify the demonstratives
5 and exhibits clearly such as by slide or screen number. That's
6 important in particular because Judge Zado will not be able to
7 see the exhibits presented in the room and with that do we have
8 any questions before we start.

9 MR. DESAI: Briefly, Your Honor. For certain of the
10 slides that do contain confidential information, just to get clarity
11 there are no members of the public currently in this room. Is it
12 okay for us to proceed and discuss those on the record? I mean
13 in previous --

14 JUDGE BARRETT: Well --

15 MR. DESAI: Oh, go ahead, Your Honor.

16 JUDGE BARRETT: For all purposes this room is
17 public so it's going to go in the transcript, it's going to go like
18 that. We have access to your slides, the unredacted ones --

19 MR. DESAI: Right.

20 JUDGE BARRETT: -- so you can reference those and
21 we will see what you're referring to and you can avoid revealing
22 whether it be dollar figures or whatever that needs to remain
23 confidential. If push comes to shove and you absolutely need to
24 reference something that needs to be protected then bring it up at

1 that time and we can talk about sealing the room but I'd really
2 rather just consider this room open.

3 MR. DESAI: Okay. I think the way for me to handle
4 that is to present the information, let the slide sort of speak for
5 itself without revealing in my own words exactly what is on the
6 slide and that may be the easiest way to do it.

7 JUDGE POWELL: I think I understand you have --
8 you've got a redacted version of your demonstratives, correct?

9 MR. DESAI: I do.

10 JUDGE POWELL: Could you use that?

11 MR. DESAI: I could but I think the purpose is for me
12 to present to Your Honors about the relevance of this
13 information and that --

14 JUDGE POWELL: Well I guess what I would say -- if
15 you're not going to, here's what I think -- if you're not going to
16 speak like suppose there's a dollar figure, whatever that's
17 redacted in the public version of the demonstratives, if you're not
18 going to say that on the transcript as Judge Barrett said we have
19 a copy of the unredacted demonstratives so you can work from
20 the public version of the redactions and just tell us I'm on slide
21 60, whatever, and then we can see the information that you're
22 trying to convey without having it up on the monitor for the
23 whole world.

24 MR. DESAI: Okay. I mean I think the issue with the
25 whole -- I mean there's nobody in this room who's not under the

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.