

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MICROSOFT CORPORATION,  
Petitioner,

v.

FG SRC LLC,  
Patent Owner.

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Case IPR2018-01599 (Patent 6,076,152)  
Case IPR2018-01600 (Patent 6,247,110 B1)

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Record of Oral Hearing  
Held: February 3, 2020

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Before KALYAN K. DESHPANDE, JUSTIN T. ARBES, and  
CHRISTA P. ZADO, *Administrative Patent Judges*.

IPR2018-01599 (Patent 6,076,152)  
IPR2018-01600 (Patent 6,247,110 B1)

APPEARANCES:

ON BEHALF OF THE PETITIONER:

JOSEPH MICALLEF, ESQ.  
SCOTT BORDER, ESQ.  
Sidley Austin, LLP  
1501 K Street, N.W.  
Washington, D.C. 20005

ON BEHALF OF THE PATENT OWNER:

ALFONSO G. CHAN, ESQ.  
DONALD PUCKETT, ESQ.  
Shore Chan DePumpo, LLP  
Bank of America Plaza  
901 Main Street  
Suite 3300  
Dallas, TX 75202

The above-entitled matter came on for hearing on Monday, February 3, 2020, commencing at 12:01 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

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P R O C E E D I N G S

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2 JUDGE ARBES: The first hearing we will have today is IPR2018-  
3 01599 and 1600 involving Patents 6,076,152 and 6,247,110. Can counsel  
4 please state your names for the record?

5 MR. MICALLEF: Good afternoon, Your Honors. Joe Micallef from  
6 Sidley Austin for the Petitioner Microsoft Corporation. With me at counsel  
7 table are my partner, Scott Border and behind him our associate, Ethan Plail.  
8 Also in the room is my partner, Rich Cederoth, and my client, David  
9 Killough, in-house counsel for the Microsoft Corporation.

10 JUDGE ARBES: Thank you.

11 MR. CHAN: Good afternoon, Your Honors. My name is Alfonso  
12 Chan and I'm from Shore Chan along with my co-counsel, Don Puckett and  
13 Rajkumar Vinnakota, represent the Patent Owner. Along with me here is the  
14 inventor, Mr. Huppenthal, (indiscernible) principal and owner of the  
15 company, as well as my partner Ari Rafilson and co-counsel, Sean Hsu.

16 JUDGE ARBES: Thank you. Per the Trial Hearing Order in these  
17 cases, each party will have 90 minutes for this first hearing today of time to  
18 present arguments. The order of presentation in each hearing is that first  
19 Petitioner will present its case regarding the challenged claims and may  
20 argue its Motion to Exclude. Petitioner may reserve time for rebuttal in each  
21 case but not more than 30 minutes. Patent Owner will then respond to  
22 Petitioner's presentation and may argue its own Motion to Exclude. Patent  
23 Owner may reserve time for surrebuttal but not more than 15 minutes.  
24 Petitioner may then use any remaining time to respond to Patent Owner and

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1 finally Patent Owner may use any remaining time for a brief surrebuttal  
2 responding to Petitioner.

3 A few matters before we begin. One, to ensure that the transcript is  
4 clear and because we have one judge participating remotely, I would ask you  
5 to only please speak at the podium and try to refer to your demonstratives by  
6 slide number. Also in the two proceedings today, we received the list of  
7 Petitioner's objections to certain demonstrative exhibits filed by Patent  
8 Owner. We're not going to preclude Patent Owner from using any of its  
9 demonstrative exhibits today, I remind the parties though that demonstrative  
10 exhibits are merely visual aids to assist presentations at the hearing. They're  
11 not briefs and they're not evidence.

12 That said, we'll note two points that should hopefully give the parties  
13 a bit of guidance for today. First, some of the source citations at the bottom  
14 of Patent Owner's slides appear to be incorrect, as Petitioner pointed out in  
15 its objections. For example, Patent Owner's slide 194 includes an excerpt  
16 from Exhibit 2151, page 39. The slide says that that was cited in the  
17 response at page 18 but it does not appear to be cited there. Also for some  
18 of the slides, for example slides 36 to 108, 110, and 311, the source cite is to  
19 a lengthy range of pages rather than a pin cite, which makes it difficult for  
20 the Board to determine whether the information was previously cited in the  
21 record. I would just ask if Patent Owner refers to any of those slides during  
22 its presentation today, it would be helpful if you could identify the correct  
23 page from the response or surreply.

24 MR. PUCKETT: Yes, thank you, Your Honor. To make sure that I  
25 have those correctly, slides 194, 306 through 308 and 311, I didn't get the

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1 last part of the last slide.

2 JUDGE ARBES: The last one that I mentioned was 36 to 108, 110,  
3 and 311. I believe all have the same cite.

4 MR. PUCKETT: Thank you.

5 JUDGE ARBES: Lastly, if either party believes that the other party is  
6 presenting improper argument, for instance a new argument that was not  
7 made in the party's briefs, we would ask you to please raise that during your  
8 own presentation rather than interrupting the other side. Any questions  
9 before we begin?

10 MR. MICALLEF: No, Your Honor.

11 MR. PUCKETT: No, Your Honor.

12 JUDGE ARBES: Okay. Counsel for Petitioner, you may proceed.  
13 Would you like to reserve time for rebuttal?

14 MR. MICALLEF: Your Honor, my colleague, Scott Border, is going  
15 to make the argument and we'd like to reserve 30 minutes.

16 MR. BORDER: Your Honor, is it okay if we pass up demonstratives?

17 JUDGE ARBES: Yes.

18 MR. BORDER: Okay. Good morning, Your Honors. May it please  
19 the Board. Let's go ahead and to go slide 2, please. Your Honors, there's a  
20 number of grounds at issue in this proceeding. This slide is simply -- repeats  
21 the slide or sort of the Institution Decision identifying each of those grounds.  
22 I'll note that Halverson is our primary reference for each of our grounds and  
23 that we have anticipation based on Halverson and also a single reference  
24 obviousness. We also have a number of combinations that we'll discuss  
25 shortly.

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