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Paper No. 27

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DROPBOX, INC.,
Petitioner

v.

WHITSERVE, LLC.,
Patent Owner.

IPR2019-01019
Patent 8,812,437 B2

Record of Oral Hearing
Held: July 30, 2020

Before KALYAN K. DESHPANDE, MICHELLE N. WORMMEESTER,
and SCOTT RAEVSKY, *Administrative Patent Judges*.

IPR2019-01019
Patent 8,812,437 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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The above-entitled matter came on for hearing on Thursday, July 30, 2020, commencing at 1:00 p.m. EDT, by video/by telephone.

1 P-R-O-C-E-E-D-I-N-G-S

2 (1:00 p.m.)

3 JUDGE RAEVSKY: Well, welcome. This is Judge Raevsky.
4 Welcome to the Patent Trial and Appeal Board.

5 We are here today for oral argument in inter partes review number
6 2019-01019, a case in which Dropbox is the Petitioner and Whitserve is the
7 Patent Owner. At issue is U.S. Patent Number 8,812,437.

8 Your panel for the hearing today includes myself and Judges
9 Deshpande and Wormmeester.

10 I'd like to start by getting appearances of counsel. Who do we have
11 on behalf of Petitioners?

12 MS. LEE: Your Honor, this is Yvonne Lee for Petitioner Dropbox,
13 Inc.

14 With me also on the line is lead counsel Monica Grewal, and also
15 here is counsel for Dropbox, Elena DiMuzio.

16 JUDGE RAEVSKY: Thank you, Ms. Lee. And who do we have on
17 behalf of Patent Owner?

18 MR. KEELER: Your Honor, this is Robert Keeler for Patent Owner
19 Whitserve, LLC.

20 JUDGE RAEVSKY: Is that Keeler?

21 MR. KEELER: Yes.

22 JUDGE RAEVSKY: Could you spell that for the court reporter?

1 MR. KEELER: Sure. It's K-E-E-L-E-R.

2 JUDGE RAEVSKY: Thank you. And thank you all for joining us.
3 Before we get started, I have a few administrative matters that I'd
4 like to go over.

5 First of all, we appreciate your patience with us as we do a video
6 hearing instead of the normal procedure in a hearing room.

7 If at any time during the hearing, you encounter technical difficulties
8 that you feel would undermine your ability to adequately represent your
9 client, please let us know immediately by reaching out to the people that
10 gave you the contact information.

11 When not speaking, please kindly mute yourself. And also please
12 identify yourself each time you speak for the benefit of the court reporter.

13 At the end of the hearing, please stay on the line until we dismiss
14 you so that the court reporter can ask any questions to clarify.

15 When you're referring to a demonstrative slide, please tell us the
16 slide number so that we can follow along. And lastly, please be aware that
17 members of the public may be listening to this hearing.

18 We will first hear from Petitioner, then from Patent Owner.

19 Ms. Lee, would you like to reserve any time for rebuttal today?

20 MS. LEE: Yes, Your Honor. I'd just like to reserve 15 minutes,
21 please.

1 JUDGE RAEVSKY: Okay. Fifteen minutes is reserved. You will
2 have 45 minutes for your primary case. When you're ready, you may begin.

3 MS. LEE: Thank you very much, Your Honor. Good afternoon,
4 Your Honors. My name is Yvonne Lee and I am representing Petitioner
5 Dropbox, Inc. in this proceeding.

6 This is IPR2019-01019, challenging U.S. Patent Number 8,812,437.
7 Turning now to Slide 2. Slide 2 shows some of the topics that I'd
8 like to cover today.

9 I'd like to briefly cover a technology background in overview of the
10 '437 patent, and spend a bit of time on claim construction issues because that
11 is at one of the primary issues between parties.

12 And then I'll address some of Patent Owner's argument, address a
13 little bit of the obviousness of the claims, and then also end by additionally
14 addressing some additional issues raised by Patent Owner.

15 If at any time you would like me to jump to a particular topic or
16 slide, please just let me know, and I can direct my argument there.

17 Turning now to Slide 3.

18 Just to set the context of what we're going to be discussing today, the
19 technology at issue in this case involves client server architectures, and in
20 particular, client server communication.

21 As was known before the '437 patent at least by the mid-90s, for
22 client server architectures and communications between client and servers,

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