

UNITED STATE PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SQUARE, INC.,
Petitioner,

v.

4361423 CANADA INC.,
Patent Owner.

IPR2019-01625 (Patent 8,286,875 B2)
IPR2019-01627 (Patent 8,281,998 B2)
IPR2019-01629 (Patent 9,269,084 B2)

Record of Oral Hearing
Held: January 27, 2021

Before JAMESON LEE, ROBERT J. WEINSCHENK, and
KEVIN C. TROCK, *Administrative Patent Judges*.

IPR 2019-01625 (Patent 8,286,875 B2)
IPR 2019-01627 (Patent 8,281,998 B2)
IPR 2019-01629 (Patent 9,269,084 B2)

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The above-entitled matter came on for hearing on Wednesday, January 27, 2021, commencing at 2:00 p.m. EST, by video/by telephone.

IPR 2019-01625 (Patent 8,286,875 B2)
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1 P-R-O-C-E-E-D-I-N-G-S

2 2:00 p.m.

3 JUDGE LEE: Good afternoon, everyone. This is a consolidated
4 oral hearing for IPR 2019-01625, IPR 2019-01627, and IPR 2019-01629.

5 The Petitioner in all three proceedings is Square Inc., and the Patent
6 Owner in all three proceedings is 4361423 Canada Inc. The involved
7 patents are U.S. Patent 8,286,875 B2, for the 1625 proceeding, Patent
8 8,281,998 B2 for the 1627 proceeding, and Patent 9,269,084 B2 for the 1629
9 proceeding.

10 I am Judge Jameson Lee, joined by Judge Robert Weinschenk and
11 Judge Kevin Trock. Before we begin, we wish to thank you for your
12 flexibility in conducting this hearing via video today. Given this is a
13 departure from our normal practice, we start by clarifying a few items.

14 First, our primary concern is your right to be heard. If at any time
15 during the proceeding -- during the hearing, you encounter technical
16 difficulties that fundamentally undermine your ability to adequately
17 represent your client, please let us know immediately, for example, by
18 contacting the team member who provided you with connection information.

19 Second, for the benefit of the judges and opposing counsel, as well
20 as the court reporter, please identify yourself when you begin your argument

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1 and speak clearly into your microphone. Please do not speak when others,
2 such as the judges, are speaking.

3 Third, we have the entire record, including demonstratives. When
4 referring to demonstratives, papers, or exhibits, please do so clearly and
5 explicitly by slide or paper number. Please also pause a few seconds after
6 identifying it to provide us time to find it. This helps the presentation of an
7 accurate transcript of the hearing.

8 Finally, please mute yourself when not speaking.

9 Please bear in mind the purpose of the oral hearing is to present your
10 case, based on the arguments and evidence of record. You may not
11 introduce new evidence or arguments.

12 Each party will have 90 minutes of total argument time for all three
13 proceedings. Petitioner and Patent Owner may each reserve time for
14 rebuttal. Petitioner will go first in its case. Thereafter, Patent Owner will
15 argue its opposition. And if there's any rebuttal from Petitioner, we will
16 hear it after Patent Owner's opposition. Finally, we will hear Patent
17 Owner's rebuttal, if requested.

18 Each time counsel speaks, he or she may address all three
19 proceedings. The time is not divided by proceedings.

20 We realize that the specification of the three involved patents are
21 essentially the same and there are overlapping prior art references, so we are

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1 going to assume that the representations pertain to all three patent
2 specifications and the common prior art, unless counsel specifically tells us
3 otherwise and gives us the reason why.

4 I will provide you with a five-minute warning during each opening
5 argument and a two-minute warning during each rebuttal and sur-rebuttal.

6 Please also note that the arguments raised during rebuttal and sur-
7 rebuttal must be in response to arguments raised by the opposing party.
8 Neither period should be used to initiate new arguments.

9 I have a couple more preliminaries and that is, at the end of the
10 hearing, will counsel please stay online just a few more minutes to talk to the
11 court reporter, because the court reporter may have some clarification he or
12 she needs to make with counsel. The Panel will sign off, but counsel,
13 please stay online and see if the court reporter has any questions for you.

14 And, finally, Patent Owner -- we would like Patent Owner, after the
15 hearing, to please submit another copy of the Patent Owner response in IPR
16 2019-01627, because the original copy that's filed has no paper numbers.

17 We would like to work with a copy with paper numbers, so please
18 file another one that's exactly the same as the original, but only with paper
19 numbers inserted. We don't want different pagination, different texting of
20 any kind, just insert the paper numbers on the pre-existing pages. And you
21 can title it Corrected Patent Owner Response.

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