

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MICROSOFT CORPORATION and HP INC.,  
Petitioner,

v.

SYNKLOUD TECHNOLOGIES, LLC,  
Patent Owner.

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IPR2020-00316  
Patent 9,098,526 B1

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Record of Oral Hearing  
Held: April 7, 2021

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Before SALLY C. MEDLEY, JESSICA C. KAISER, and  
SCOTT RAEVSKY, *Administrative Patent Judges*.

IPR2020-00316  
Patent 9,098,526 B1

APPEARANCES:

ON BEHALF OF THE PETITIONER:

JOSEPH MICALLEF, ESQ.  
Sidley Austin, LLP  
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ON BEHALF OF THE PATENT OWNER:

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The above-entitled matter came on for hearing on Wednesday, April 7, 2021, commencing at 1:06 p.m., EDT, by video/by telephone.

PROCEEDINGS

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JUDGE MEDLEY: Good afternoon. This is the hearing for IPR 2020-00316 between Petitioner Microsoft and HP and Patent Owner Synkloud involving U.S. patent No. 9,098,526. I'm Judge Sally Medley and with me are Judges Jessica Kaiser and Scott Raevsky. At this time we'd like the parties to please introduce themselves beginning with Petitioner.

MR. MICALLEF: Thank you, Your Honor. This is Joe Micallef from Sidley Austin representing Petitioners Microsoft and HP.

JUDGE MEDLEY: Thank you, Mr. Micallef. And for Patent Owner.

DR. GONSALVES: My name is Dr. Gregory Gonsalves representing the Patent Owner Synkloud.

JUDGE MEDLEY: Okay. And I just want to verify that both of you received a back-up audio line option in case you encounter technical difficulties.

MR. MICALLEF: This is Joe Micallef, Your Honor. I have.

JUDGE MEDLEY: Okay.

DR. GONSALVES: I have also.

JUDGE MEDLEY: Okay. Great. And I just want to remind you to please mute when you're not speaking. All right. So I'd also like to remind the parties that this hearing is open to the public and we have an audio line that's been established for

1 the public to listen. Each party has 30 minutes total time to  
2 present arguments. Petitioner, you'll proceed first and you may  
3 reserve some of your argument time to respond to arguments  
4 presented by Patent Owner. Thereafter Patent Owner, you may  
5 respond to Petitioner's presentation and reserve argument time  
6 for your surrebuttal. Petitioner, do you wish to reserve some of  
7 your time to respond?

8 MR. MICALLEF: Yes, Your Honor. I would like to  
9 reserve eight minutes.

10 JUDGE MEDLEY: Eight minutes. Okay. And Dr.  
11 Gonsalves?

12 DR. GONSALVES: Eight minutes for me also.

13 JUDGE MEDLEY: Okay. Easy enough. All right. Let me  
14 just start my timer and --

15 DR. GONSALVES: Your Honor, before you start the time  
16 may I address please a preliminary matter?

17 JUDGE MEDLEY: Yes, you may.

18 DR. GONSALVES: Okay. So Petitioners have been filing  
19 papers with the Board certifying that I have been served with  
20 them when in fact I have not been served. I have had to retrieve  
21 the documents from the Board's E2E database. The certificates  
22 of service that have been filed with the Board by the Petitioners  
23 are not accurate.

24 JUDGE MEDLEY: Okay. Mr. Micallef, would you like to  
25 respond to that?

26 MR. MICALLEF: Well, Your Honor, this is the first I've

1 heard of this. Counsel should have brought it up to us the first  
2 time it happened and we certainly would have fixed it. We were  
3 not trying to hide anything from him so on public record I  
4 apologize but I don't know what happened.

5 DR. GONSALVES: Okay. So just to respond to Mr.  
6 Micallef, I did send you an email about this and I didn't receive a  
7 response from you.

8 MR. MICALLEF: I don't know what to say but I don't  
9 recall receiving that, but I certainly could have worked it out if  
10 perhaps he'd given me a call or something.

11 JUDGE MEDLEY: Okay. Dr. Gonsalves, what is the  
12 request you're seeking, the relief you're seeking?

13 DR. GONSALVES: I think at a minimum the certificates of  
14 service should be corrected.

15 JUDGE MEDLEY: Okay. Going forward, Mr. Micallef,  
16 can you please assure that you will serve papers -- but you  
17 received all the papers, there's no due process issue here right,  
18 Dr. Gonsalves?

19 DR. GONSALVES: I retrieved them from the E2E  
20 database.

21 JUDGE MEDLEY: Okay. All right. So Mr. Micallef, if  
22 you would like to begin.

23 MR. MICALLEF: Thank you, I would, Your Honor. Your  
24 Honor, I understand that the panel has our demonstratives and  
25 that we will not be displaying them near the Webex, that's what  
26 I've been led to believe. Is that accurate?

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