

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SONY INTERACTIVE ENTERTAINMENT LLC,  
Petitioner,

v.

BOT M8, LLC,  
Patent Owner.

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IPR2020-00726  
Patent 8,112,670 B2

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Record of Oral Hearing  
Held: July 13, 2021

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Before KALYAN K. DESHPANDE, LYNNE E. PETTIGREW, and  
AMBER L. HAGY, *Administrative Patent Judges*.

IPR2020-00726  
Patent 8,112,670 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

ERIC BURESH, ESQ.  
JASON MUDD, ESQ.  
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ON BEHALF OF THE PATENT OWNER:

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The above-entitled matter came on for hearing on Tuesday, July 13, 2021, commencing at 1:00 p.m., by video/by telephone.

PROCEEDINGS

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JUDGE DESHPANDE: This is the oral argument for IPR2020-00726. Let's start off with having our counsel's appearance. Who do we have for Petitioner?

MR. MUDD: Jason Mudd and Eric Buresh are here for Petitioner.

JUDGE DESHPANDE: Great. And who do we have for Patent Owner?

MR. HANNAH: Good morning -- or good afternoon, depending on where you're located. This is James Hannah on behalf of BOT M8, and I also have my co-counsel Aaron Frankel, who is on the line.

JUDGE DESHPANDE: Great. Today, we have set aside 60 minutes per side to present oral arguments. Petitioner bears the burden of proof.

As you know, we are on a video system right now. So please keep yourself muted if you're not talking, that will help facilitate the flow of our discussion today. And also, if you're referring to demonstratives, please refer to the demonstrative number so that we can follow along, that way we have a clear indication both for us and the court reporter as to where we are in the presentation.

Anyone have any questions as to today's procedure or processes?

MR. HANNAH: I have a quick question, Your Honor.

1 JUDGE DESHPANDE: Yeah.

2 MR. HANNAH: Oh, sorry.

3 JUDGE DESHPANDE: Yes, Mr. Hannah.

4 MR. HANNAH: Is it possible that we can share our  
5 screen? It looks like we have that capability and, if I can do it,  
6 that would be great. I think it will probably make it go a little  
7 bit smoother, but I just wanted to ask Your Honor if that's okay  
8 with you.

9 JUDGE DESHPANDE: Yeah, I think we prefer that  
10 we don't share screens only because we lose -- whenever you  
11 share the screen, we can't see your face quite as well. So we're  
12 very -- we've been very well practiced in following along  
13 demonstratives, if you want to go ahead and point us to what  
14 slide number you're on. I think that will be the easier way for us  
15 to follow.

16 MR. HANNAH: Okay, that's fine. But, you know,  
17 my face isn't that great to be looking at anyway, but --

18 (Laughter)

19 MR. HANNAH: -- that's fine. We'll just go with the  
20 standard protocol. Thank you, Your Honor, I appreciate it.

21 JUDGE DESHPANDE: Thank you.

22 Any questions from Petitioner?

23 MR. MUDD: No, Your Honor.

24 JUDGE DESHPANDE: Great. Mr. Buresh, we've set  
25 aside 60 minutes for each party to present arguments. Petitioner,  
26 you will present first. You can save up to 15 minutes for

1 rebuttal. Patent Owner, you will also have 60 minutes to present  
2 and you can save up to 15 minutes for surrebuttal.

3 Mr. Buresh, you have the floor. You may begin when  
4 you're ready. And you may indicate how much time you want to  
5 reserve, so that we can keep track of time for you.

6 MR. MUDD: Just to clarify, Your Honor, it's Jason  
7 Mudd presenting for Petitioner.

8 JUDGE DESHPANDE: Oh.

9 MR. MUDD: Mr. Buresh is here in the room with me.

10 JUDGE DESHPANDE: No problem. I'm sorry, I got  
11 that wrong. Mr. Mudd, you are free to begin whenever you're  
12 ready.

13 MR. MUDD: Thank you, Your Honor. May it please  
14 the Board, Jason Mudd for Petitioner, Sony Interactive  
15 Entertainment. Of my 60 minutes of argument time, I plan to  
16 reserve ten minutes for rebuttal.

17 Turning first to slide number 2, the Board has  
18 instituted these three grounds raised by Petitioner in this  
19 proceeding. First, in Ground 1, that Claims 1 through 4 are  
20 obvious over Sugiyama in view of Gatto; second, in Ground 2,  
21 that Claim 5 is obvious over Sugiyama in view of Gatto and  
22 further review of Yamaguchi; and, third, in Ground 3, that  
23 Claims 1 through 4 are obvious over Morrow '952 in view of  
24 Morrow '771.

25 Turning to slide 3, I'll first briefly highlight the issues  
26 raised by Patent Owner, then I'll step back and provide a brief

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