

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

SONY INTERACTIVE ENTERTAINMENT LLC,  
Petitioner,

v.

BOT M8, LLC,  
Patent Owner.

---

IPR2020-00922  
Patent 8,078,540 B2

---

Record of Oral Hearing  
Held Virtually: September 9, 2021

Before KALYAN K. DESHPANDE, JAMES A. TARTAL, and  
AMBER L. HAGY, *Administrative Patent Judges*.

IPR2020-00922  
Patent 8,078,540 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

JASON R. MUDD, ESQ.  
ERIC A. BURESH, ESQ.  
Erise IP, P.A.  
7015 College Boulevard, Suite 700  
Overland Park, Kansas 66211

ON BEHALF OF THE PATENT OWNER:

AARON M. FRANKEL, ESQ.  
JEFFREY H. PRICE, ESQ.  
JEFFREY G. ENG, ESQ.  
Kramer Levin Naftalis & Frankel  
1177 Avenue of the Americas  
New York, New York 10036

The above-entitled matter came on for hearing on Thursday,  
September 9, 2021, commencing at 1:00 p.m. EST, by video/by telephone.

1 PROCEEDINGS

2 - - - - -

3 (Proceedings begin at 1:00 p.m.)

4 JUDGE TARTAL: Good afternoon, and welcome.

5 We are here for a virtual hearing by videoconference  
6 in an interparty review case captioned Sony Interactive  
7 Entertainment LLC, Petitioner, v. BOT M8, LLC, Patent Owner.  
8 Case IPR2020-00922 concerning U.S. Patent No. 8,078,540 B2.

9 First, let me begin by introducing the panel. I am  
10 joined by Judge Hagy and Judge Deshpande, and I am Judge  
11 Tartal.

12 May we please have the parties' appearances? Who do  
13 we have appearing on behalf of petitioner today?

14 MR. MUDD: Your Honor, Jason Mudd on behalf of  
15 petitioner, and also with me is Eric Biresh.

16 JUDGE TARTAL: Good afternoon, counsel, and welcome.

17 And now for patent owner. Who do we have appearing  
18 today?

19 MR. FRANKEL: Good afternoon, Your Honor.

20 Aaron Frankel from Kramer Levin, joined by my  
21 colleagues Jeffrey Price and Jeffrey Eng.

22 JUDGE TARTAL: Okay. Thank you, and welcome.

23 And just to clarify, do we have the name of the  
24 patent owner correct? Is it Bot M8, or do you pronounce that  
25 differently?

26 MR. FRANKEL: It's pronounced Bot Mate.

1 JUDGE TARTAL: Bot Mate. Thank you.

2 MR. FRANKEL: Yes. Bot Mate.

3 JUDGE TARTAL: We set forth the procedure for  
4 today's hearing in our trial order, and as a reminder, each  
5 party will have 60 minutes of total time to present arguments  
6 in the case.

7 Petitioner has the burden of proof and will go  
8 first. Patent owner will then present opposition arguments  
9 for the case. And then, to the extent petitioner has  
10 reserved time, petitioner will present arguments in reply  
11 for the case. Finally, if patent owner has reserved time,  
12 it may present surreply arguments.

13 We will try to provide a reminder of the time  
14 remaining but also ask each party to keep track of the time  
15 they have available as well.

16 Counsel, are there any questions in that regard for  
17 petitioner?

18 MR. MUDD: No, Your Honor.

19 JUDGE TARTAL: Or for patent owner?

20 MR. FRANKEL: No, Your Honor.

21 JUDGE TARTAL: For clarity in the transcript, when  
22 you refer to an exhibit, please state for the record the  
23 exhibit and page number, or for demonstratives, the slide  
24 number to which you are referring.

25 When you are not speaking, we ask that you please  
26 mute your connection to improve the audio quality.

1           We'll remind each party that under no circumstances  
2           are they to interrupt the other party while that party is  
3           presenting its arguments and demonstratives. You will have  
4           an opportunity to respond in your reply and surreply  
5           argument times.

6           Are there any additional questions on behalf of  
7           patent owner at this time?

8           MR. FRANKEL: No questions, Your Honor.

9           JUDGE TARTAL: And are there any additional  
10          questions from petitioner at this time?

11          MR. MUDD: No, Your Honor.

12          JUDGE TARTAL: Petitioner, how much time would you  
13          tentatively like to reserve of your 60 minutes for reply?

14          MR. MUDD: 10 minutes, please.

15          JUDGE TARTAL: Okay. Then we will endeavor to give  
16          you a heads up when we are approaching the 50-minute mark.

17          Petitioner, you may proceed when you are ready.

18          MR. MUDD: Thank you, Your Honor.

19          May it please the Board, Jason Mudd for petitioner,  
20          Sony Interactive Entertainment.

21          Turning to Slide 2.

22          The Board has instituted these three grounds raised  
23          by petitioner in this proceeding: First, in Ground 1, that  
24          Claims 1 and 4 are obvious over Johnson in view of Martinek;  
25          second, in Ground 2, that Claims 2 through 3 and 5 through 6  
26          are obvious over Johnson in view of Martinek in further view

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.