

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY INTERACTIVE ENTERTAINMENT LLC,
Petitioner,

v.

BOT M8, LLC,
Patent Owner.

IPR2020-01288
Patent 7,664,988 B2

Record of Oral Hearing
Held: November 10, 2021

Before KALYAN K. DESHPANDE, LYNNE E. PETTIGREW, and
JAMES A. TARTAL, *Administrative Patent Judges*.

IPR2020-01288
Patent 7,664,988 B2

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The above-entitled matter came on for hearing on Wednesday,
November 10, 2021, commencing at 9:00 a.m. EST, by video/by telephone.

PROCEEDINGS

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(8:01 a.m.)

JUDGE PETTIGREW: Good morning. Welcome, everybody.
This is an oral argument for IPR2020-01288. I'm Judge Pettigrew, and the
other panel members are Judge Deshpande and Judge Tartal. Let's begin
with appearances from counsel.

Who do we have for Petitioner?

MR. MUDD: Jason Mudd for Petitioner, and also with me is lead
counsel Eric Buresh.

JUDGE PETTIGREW: Thank you, Mr. Mudd.

And who do we have for Patent Owner?

MR. PRICE: For Patent Owner, Your Honor, we've got Jeffrey Price
from Kramer, Levin, Naftalis, and Frankel, and with me is Aaron Frankel.

JUDGE PETTIGREW: Thank you, Mr. Price.

As you know, today, we've set aside 60 minutes for each side to
present your arguments. Petitioner has the burden of proof and will present
first, and you can reserve up to 15 minutes for rebuttal. Patent Owner will
present second, and you can reserve up to 15 minutes for surrebuttal.

A couple of reminders about this video hearing format before we
begin. First, our primary concern is that you be heard, so that if any time
during the proceeding you encounter any difficulties, please let us know
immediately by contacting the team members who provided you with the
connection information.

Also, when you're not speaking, please mute yourself. It helps keep
down the background noise. Third, please identify yourself when you begin

1 speaking. This helps the court reporter prepare an accurate transcript. And
2 lastly, we have the entire record, including the demonstratives, so when you
3 refer to a demonstrative or some other paper or exhibit, please do so clearly
4 and explicitly by a slide or a page number.

5 I think that's it. Petitioner, you may proceed when you're ready.

6 MR. MUDD: Thank you, Your Honor. May it please the Board,
7 Jason Mudd for Petitioner, Sony Interactive Entertainment. Of my 60
8 minutes of argument time, I plan to reserve 10 minutes for rebuttal.

9 Turning first to Slide Number 2, the Board has instituted these eight
10 grounds of unpatentability raised by Petitioner in this proceeding. Patent
11 Owner's arguments, however, focus on only the Sugiyama and Gatto
12 references, as well as the Morrow '952 reference, so that is where my
13 argument will focus.

14 Turning to Slide 3, I'll begin with a brief background on the '988
15 patent and how the prior art already solved the problem addressed by the
16 '988 patent.

17 The stated purpose of the '988 patent is to store a fault inspection
18 program in a first memory device so that even if a fault occurs in a second
19 memory device, a fault inspection program still properly operates. And this
20 comes from Column 1, Lines 58 to 63 of the '988 patent.

21 In the specific embodiment described in the '988 patent, a ROM or
22 read-only memory is used as the first memory device that stores the fault
23 inspection program. The fault inspection program inspects whether a fault
24 occurs in the second memory device, which, in the specific embodiment
25 disclosed, is a hard disk drive.

26 Thus even if a fault occurs in the hard drive, the fault inspection

1 program in the ROM still properly operates because the program is stored
2 separately from the hard drive.

3 Turning to Slide 4, the Sugiyama reference addressed this same issue.
4 Sugiyama stores a hard drive fault inspection program on ROM 22 to inspect
5 a separate hard disk drive 24. Sugiyama describes in paragraph 29 that it's
6 undesirable to store the service program for inspecting the hard drive on the
7 hard drive itself because the hard drive could become corrupted.

8 So Sugiyama describes it's desirable to store the service program
9 separately in the ROM instead. Specifically, Sugiyama states in paragraph
10 29 in the middle of Slide 4, "In consideration of this point, in this karaoke
11 terminal 3, the service program relating to the hard disk drive 24 is stored in
12 the ROM 22. Thereby, when data of the hard disk drive 24 is corrupted, it
13 is possible to perform recovery processing of the hard disk drive 24."

14 So as can be seen, Sugiyama addresses the same program in the same
15 way as the '988 patent. Specifically, Sugiyama, like the '988 patent, stores a
16 hard drive fault inspection program on ROM separately from the hard drive
17 being inspected so that even if a fault occurs in the hard drive, the fault
18 inspection program still properly operates.

19 Turning to Slide 5, the '988 patent describes its fault inspection
20 program very broadly and provides very little detail as to how it actually
21 operates.

22 Column 1 at lines 18 to 25 in the '988 patent provide a definition of
23 the term "fault inspection program" as being a program for inspecting
24 whether or not a fault such as damage, change, or falsification occurs in the
25 programs or data, which the '988 patent states is hereinafter abbreviated as
26 "fault inspection program."

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