UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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NETFLIX, INC.,
Petitioner,

v.

BROADCOM CORPORATION,
Patent Owner.

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IPR2020-01423
Patent 6,341,375 B1

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Record of Oral Hearing
Held Virtually: December 9, 2021

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Before MELISSA A. HAAPALA, *Vice Chief Administrative Patent Judge,*
and THOMAS L. GIANNETTI and JAMES A. WORTH, *Administrative
Patent Judges.*

APPEARANCES:

ON BEHALF OF THE PETITIONER:

    HARPER BATTS, ESQ.
    JONATHAN DEFOSSE, ESQ.
    Sheppard Mullin
    Four Embarcadero Center
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    San Francisco, CA 94111
    (650) 815-2673

ON BEHALF OF THE PATENT OWNER:

    DANIEL YOUNG, ESQ.
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    Littleton, CO 80120
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       The above-entitled matter came on for hearing on Thursday, December 9, 2021, commencing at 1:00 p.m. EST, by video/by telephone.

1   P R O C E E D I N G S

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3   JUDGE GIANNETTI: This is a final hearing in IPR 2020-01423

4   involving Patent 6,341,375, Netflix, Inc. v. Broadcom

5   Corporation. I'm Judge Giannetti. I will be presiding at the

6   hearing, and with me are Vice Chief Judge Haapala and Judge

7   Worth. That will be your panel for the hearing today.

8   Counsel, may I have your appearances? Let's start

9   with the petitioner.

10   MR. BATTS: Yes, Your Honor. Harper Batts for

11 petitioner and with me is my colleague, Jonathan DeFosse.

12   JUDGE GIANNETTI: Okay. I'm having a little

13 trouble hearing you. It's Mr. -- what's your last name, sir?

14   MR. BATTS: Batts.

15   JUDGE GIANNETTI: Okay.

16   MR. BATTS: Can you hear me now?

17   JUDGE GIANNETTI: Yes. Just spell your last name

18 for me, would you?

19   MR. BATTS: B-A-T-T-S.

20   JUDGE GIANNETTI: Batts. All right. Thanks, Mr.

21 Batts. You're not as clear as you could be. Are you using a

22 headset?

23   MR. BATTS: I am not. I'm using my webcam

24 operation that I usually do for all these hearings.

25   JUDGE GIANNETTI: Okay. Well, we'll do the best we

26 can but you're not as clear as you could be.

1   Let's get the patent owner's appearance. Who is

2   appearing for the patent owner?

3   MR. YOUNG: Good morning, Your Honor. Dan Young

4   from Adsero IP on behalf of Broadcom Corporation. With me in

5   the room is our senior paralegal Tara Damhoff, and on the

6   public line is Amanda Swaim, in-house counsel for Broadcom.

7   JUDGE GIANNETTI: Okay. All right. Thank you very

8   much, counsel. And I've already introduced the panel. Let's

9   talk a little bit about the hearing today. We are obviously

10   appearing remotely and that raises some challenges for us. If

11   anything happens, if you lose connectivity, or can't hear, or

12   can't see, your video goes out, please let us know. Our

13   principal goal here is to make sure that you have a full

14   opportunity to present your cases and that the board has an

15   opportunity to hear you and to see you and to see your

16   demonstratives. So let us know right away if anything happens

17   that prevents you from communicating with us.

18   The second request is that when you are not

19   speaking please mute yourself so that we don't pick up

20   anything in the background that might distract from someone

21   else's presentation. When you begin to speak you should

22   identify yourself. I think as the hearing goes on we probably

23   will be able to recognize voices but at least initially and

24   probably throughout the hearing it would be a good practice

25   when you're going to make a presentation or speak for any

26   length of time, please identify yourself.

1   We have the whole record in front of us. We have

2 your demonstratives and all of the papers that you've filed.

3 If you do refer to any papers, if you do refer to any

4 demonstratives, we would request that you identify it by

5 number so that we can find it in our record, electronic

6 record, and to follow along with your presentation.

7   We've allowed 60 minutes per side, forargument.

8 Each side will have an opportunity to present its argument

9 starting with petitioner followed by the patent owner. The

10 petitioner may reserve a reasonable amount of time for a

11 rebuttal argument and, likewise, the patent owner may reserve

12 a reasonable amount of time for a rebuttal or a surrebuttal

13 argument. When we do end the hearing -- and I'll be keeping

14 time. I will try to keep -- we don't have the same

15 arrangement that we would in a hearing room where the lights

16 give you warning, but I'll try to give you a two-minute

17 warning when you get to the end of your time and let you know

18 that time is running out and you should start summing up your

19 argument. I'll try to do that as best I can.

20   When the hearing ends we would appreciate it if

21 you'd stay on the line for a few minutes to give the court

22 reporter a chance to ask any questions about pronunciations or

23 spellings of words. The court reporter has your

24 demonstratives and will be able to pick up some of that from

25 the demonstratives but there may be some questions. We want

26 to make sure that we have an accurate transcript.

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