

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AVAYA, INC., DELL INC., SONY CORP. OF AMERICA, and
HEWLETT-PACKARD CO.

Petitioners

v.

NETWORK-1 SECURITY SOLUTIONS, INC.

Patent Owner

Case IPR2013-00071

Case IPR2013-00385

Case IPR2013-00495

Patent 6,218,930

Held: January 9, 2014

Before JONI Y. CHANG, JUSTIN T. ARBES, and GLENN J. PERRY,
Administrative Patent Judges.

APPEARANCES:

ON BEHALF OF THE PETITIONER AVAYA, INC.:

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7 ON BEHALF OF THE PATENT OWNER:
8 GREGORY DOVEL, ESQUIRE
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12
13

14 The above-entitled matter came on for hearing on Thursday,
15 January 9, 2014, commencing at 9:32 a.m., at the U.S. Patent and
16 Trademark Office, 600 Dulany Street, Alexandria, Virginia.
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20 P R O C E E D I N G S

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22 JUDGE ARBES: Good morning, everyone. This is
23 the oral hearing in Case IPR2013-00071 involving Patent
24 6,218,930. Cases IPR2013-385 and 495 have been joined
25 with this proceeding.

26 Can counsel please state your names and who you
27 represent for the record?

28 MR. SANOK: Jeff Sanok for Avaya.

29 MR. LINDSAY: Jonathan Lindsay for Avaya.

30 MR. DUNHAM: Thomas Dunham for Dell and with
31 me is Michael Scheer also for Dell.

1 MR. DOVEL: Good morning, Your Honors. I'm
2 Greg Dovel. I represent the Patent Owner Network-1. With
3 me is Charles Wieland.

4 MR. HAWKINS: Your Honors, good morning.
5 Charles Hawkins with Petitioner Hewlett-Packard Company
6 from the law firm of McDermott Will & Emery. With me is
7 Raymond Gabriel.

8 MS. WEISENBERGER: Your Honors, Theresa
9 Weisenberger from Finnegan on behalf of Sony.

10 JUDGE ARBES: Counsel for the Patent Owner, is
11 lead counsel present for the hearing today?

12 MR. DOVEL: Yes, that's --

13 MR. MUKAI: I'm sorry, Robert Mukai.

14 JUDGE ARBES: Thank you. Per the Board's Trial
15 Hearing Order in this case, three parties will be presenting
16 arguments today. Counsel for Avaya will have 60 minutes.
17 Counsel for Dell will have 10 minutes and counsel for the
18 Patent Owner will have 70 minutes.

19 The order of the presentation today is that Avaya,
20 as the Petitioner, will present its case first regarding the
21 challenged claims. The Patent Owner will then respond to
22 Avaya's case and present its own case on the motion to
23 amend. If Avaya reserves time for rebuttal, it can use the
24 rest of its time to respond to the Patent Owner's case on all
25 issues, and then we will hear from Dell, and Dell can use its

1 time to respond to Avaya's -- the Patent Owner's
2 presentation on all issues.

3 And, finally, if the Patent Owner has reserved time
4 for rebuttal, it can address issues raised by either Avaya or
5 Dell regarding just the motion to amend.

6 Counsel, do you have copies of the demonstratives
7 that you can provide to the court reporter and the panel
8 today?

9 MR. DOVEL: Yes, we do, Your Honor, would you
10 like us to hand those to you now?

11 JUDGE ARBES: Yes, please. Thank you.

12 MR. DOVEL: This is the complete slides that were
13 filed.

14 JUDGE ARBES: One note we will have for the
15 record is that the parties did, when they filed their
16 demonstratives in the PRPS system, did call -- I believe
17 called them both demonstrative evidence. We would just
18 note for the parties that the demonstratives are not evidence
19 themselves. They're just merely trial aids for the attorneys
20 doing presentations today, so we'll correct the dates -- the
21 titles of the documents in PRPS. You don't need to worry
22 about that.

23 Counsel for Avaya, you may proceed first.

24 Would you like to reserve time for rebuttal?

25 MR. LINDSAY: Yes, we would.

1 JUDGE ARBES: How much time would you like?

2 MR. LINDSAY: We'll reserve approximately half
3 of our time, 30 minutes.

4 What we've given you there is a full set of the
5 slides. We're going to be discussing probably not all of
6 those, just a subset of those today, and we'll give you a copy
7 of just the ones we discuss at the end. Thank you, Your
8 Honors.

9 So this is not a complex case that involves complex
10 technology. It's about a scant patent that's barely three and
11 a half columns in length and claims at issue without a single
12 prior art rejection really. The Patent Owner cited a single
13 reference during the prosecution process. It's called
14 Jenneve, which is actually an ISDN reference, and we'll talk
15 about that a little bit later.

16 But as Judge Rich said, the name of the game is the
17 claim, so we'd like to focus on the claim, Claim 6 in
18 particular, and in particular what it requires, not what it
19 might alternatively cover, which we might hear a lot about
20 from the Patent Owner, but actually what it requires.

21 The first thing it requires is providing a data node.
22 This is a method claim. It requires providing certain
23 components from a network, the data node, an access device
24 and a data signaling pair that's connected to the two over
25 which there's a transmission, data and power.

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