

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

RECORD OF ORAL HEARING
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EMC Corporation
Petitioner¹

V.

Patent of Personal Web Technologies, LLC
Patent Owner

Case IPR2013-00082 (Patent 5,978,791)
Case IPR 2013-00083 (Patent 6,415,280)
Case IPR 2013-00084 (Patent 7,945,544)
Case IPR2013-00085 (Patent 7,945,539)
Case IPR2013-00086 (Patent 7,949,662)
Case IPR2013-00087 (Patent 8,001,096)

Record of Oral Hearing

WITNESSES

Before JONI CHANG, MICHAEL ZECHER and KEVIN TURNER (via video
hookup), Administrative Patent Judges

¹ Note that the petitioners for IPR2013-00082 and IPR2013-
00083 are EMC Corporation and VMware, Inc.

Case IPR2013-00082 (Patent 5,978,791)
Case IPR 2013-00083 (Patent 6,415,280)
Case IPR 2013-00084 (Patent 7,945,544)
Case IPR2013-00085 (Patent 7,945,539)
Case IPR2013-00086 (Patent 7,949,662)
Case IPR2013-00087 (Patent 8,001,096)

1 APPEARANCES:

2 ON BEHALF OF THE APPELLANT:

3 JOSEPH A. RHOA

4 Nixon & Vanderhye, P.C.

5 901 North Glebe Road

6 11th Floor

7 Arlington, VA 22203

8

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

10 JUDGE CHANG: Good afternoon. Welcome to the
11 Patent Trial and Appeal Board. This is the final hearing for
12 six inter partes reviews, Case IPR2013-00082, IPR2013-00083,
13 IPR2013-00084, IPR2013-00085, IPR2013-00086, and
14 IPR2013-00087.

15 The Board instituted these trials for six related
16 patents owned by PersonalWeb Technologies on May 17, 2013.
17 The transcript of this final oral-hearing will be entered in
18 each of the cases, and it will be usable for all cases.

19 At this time, we would like to have the counsel
20 to introduce themselves, beginning with the Petitioner.

21 MR. DICHIARA: Thank you, Your Honor. My name is
22 Peter Dichiarara, and we represent the Petitioners, EMC and

Case IPR2013-00082 (Patent 5,978,791)
Case IPR 2013-00083 (Patent 6,415,280)
Case IPR 2013-00084 (Patent 7,945,544)
Case IPR2013-00085 (Patent 7,945,539)
Case IPR2013-00086 (Patent 7,949,662)
Case IPR2013-00087 (Patent 8,001,096)

1 VMware.

2 With me I have my partners, Cindy Vreeland and
3 David Cavanaugh, who will also represent the Petitioners.

4 From the Petitioners we have Mr. Lynn from
5 VMware, Mr. Brown, Mr. Gupta and Mr. Clark from EMC, and then
6 we also have Dr. Clark from Princeton University.

7 JUDGE CHANG: Welcome.

8 MR. RHOA: Good afternoon, Your Honors, Joe Rhoa,
9 on behalf of PersonalWeb, and with me is Mickey Gill, on
10 behalf of PersonalWeb.

11 JUDGE CHANG: Welcome. Thank you.

12 Just want to remind the parties that from our
13 last order, we said that each party has two hours, okay, to
14 present their arguments.

15 This is -- so Petitioner will proceed first,
16 okay, to present its case as to the challenged claims and
17 grounds the Board instituted for these six cases.
18 Thereafter, the Patent Owner will respond to the Petitioner's
19 case. And the Petitioner may reserve rebuttal time for its
20 case. And we'll proceed this way, okay?

21 And starting with the Petitioner.

22 MR. DICHIARA: Thank you, Your Honor.

Case IPR2013-00082 (Patent 5,978,791)
Case IPR 2013-00083 (Patent 6,415,280)
Case IPR 2013-00084 (Patent 7,945,544)
Case IPR2013-00085 (Patent 7,945,539)
Case IPR2013-00086 (Patent 7,949,662)
Case IPR2013-00087 (Patent 8,001,096)

1 JUDGE CHANG: Do you have any handouts or
2 demonstratives?

3 MR. DICHIARA: I do.

4 JUDGE CHANG: Can we have the copies of the
5 slides?

6 MR. DICHIARA: Okay.

7 (Whereupon, there was a pause in the
8 proceedings.)

9 JUDGE CHANG: Please provide one for the court
10 reporter.

11 You may begin.

12 MR. DICHIARA: Good afternoon. May it please the
13 Board, as I mentioned before, I'm Peter Dichiarà,
14 representing the Petitioner in this case which is both EMC
15 and VMware. EMC and VMware are the Petitioners in IPRs 82
16 and 83, and for the remainder of the Petitioners, just EMC.

17 And as the Board is aware, the PersonalWeb
18 patents relate to unique data identifiers and that those
19 identifiers are based on the contents of the data and which
20 are used for basic file management functions.

21 Petitioners have shown that these identifiers and
22 the patents used with these identifiers are old. Indeed, the

Case IPR2013-00082 (Patent 5,978,791)
Case IPR 2013-00083 (Patent 6,415,280)
Case IPR 2013-00084 (Patent 7,945,544)
Case IPR2013-00085 (Patent 7,945,539)
Case IPR2013-00086 (Patent 7,949,662)
Case IPR2013-00087 (Patent 8,001,096)

1 prior art not only meets all of the limitations of the
2 challenged claims, but it operates just like the embodiments
3 of the PersonalWeb patents. And here is the agenda we would
4 like to follow this afternoon. We would like to do a brief
5 overview of the PersonalWeb patents, followed by a very brief
6 overview of the primary references, Woodhill, Langer and
7 Kantor, and then go much more time to the disputed claim
8 limitations. And as you had mentioned, we would like to
9 reserve some time for rebuttal.

10 JUDGE CHANG: Can you tell me how much time do you
11 want in rebuttal?

12 MR. DICHIARA: We're shooting for an hour.

13 JUDGE CHANG: For an hour. Okay.

14 JUDGE ZECHER: Quick question. The disputed claim
15 limitations is the patent order there, the numbers, do they
16 coincide with 82 through 7 chronologically there?

17 MR. DICHIARA: Not exactly. Because we -- in the
18 interest of efficiency, we, for example, we do the '87 case,
19 the '096 after the '539 because the subject matter overlaps
20 so much.

21 But I will have very clear chapter slides saying
22 what we are switching between, which patents.

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.