

RECORD OF ORAL HEARING
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY MOBILE COMMUNICATIONS (USA) INC., GOOGLE, INC.,
MICROSOFT CORPORATION, and SAMSUNG ELECTRONICS
AMERICA, INC.

Petitioners

vs.

B.E. TECHNOLOGY, LLC

Patent Owner

Case Nos. IPR2014-00029, 00031, 00033, 00040, 00044
Patent No. 6,771,290
Application No. 09/744033
Technology Center 2100

Oral Hearing Held: Thursday, December 11, 2014

Before SALLY C. MEDLEY, KALYAN K. DESHPANDE, and LYNNE E.
PETTIGREW, *Administrative Patent Judges*.

The above-entitled matter came on for hearing on Thursday, December 11,
2014 at the U.S. Patent and Trademark Office, 600 Dulany Street,
Alexandria, Virginia at 1:00 p.m. in Courtroom A.

Case No. IPR2014-00029, 00031, 00033, 00040, 00044
Patent No. 6,771,290

APPEARANCES:

ON BEHALF OF THE PETITIONERS:

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P R O C E E D I N G S

(1:00 p.m.)

JUDGE MEDLEY: Good afternoon. This is the hearing involving Patent Owner B.E. Technology's U.S. Patent Number 6,771,290, the '290 patent. This hearing involves IPR 2014-00029, 31, 33, 40, and 44. The respective Petitioners being Sony, Google, Google, Microsoft, and Samsung.

On December 9th a conference call was held involving counsel for the respective parties and us. One purpose of the call was to discuss B.E. Technology counsel's absence for the hearing today; specifically, Mr. Angell, lead counsel, explained that an urgent work matter arose that would prevent his absence today.

Petitioners did not object to his not being here today. Backup counsel for B.E., who is not registered to practice before the office, but was admitted for the limited purpose of participating in these proceedings, will present today.

As the parties are aware, a party who has counsel admitted pro hac vice is to have a registered practitioner represent the party as lead counsel for the proceedings. Moreover, the Office expects that lead counsel will participate in all hearings with the Board.

Ideally Mr. Angell should be here. However, given the specific facts of these proceedings, the Board has

1 determined it is in the interests of justice to proceed with
2 Patent Owner's counsel admitted pro hac vice.

3 The Petitioners requested, and the Board granted,
4 authorization for the Petitioners to collectively present
5 arguments in a consolidated hearing. Per the November 10th
6 order, the collective petitioners will have 60 minutes of total
7 time to present arguments.

8 The collective Petitioners will proceed first to
9 present their case with respect to the challenged claims and
10 grounds for which the Board instituted trial. Thereafter,
11 Patent Owner will respond to Petitioner's presentation and
12 Petitioner may reserve rebuttal time. At this time we would
13 like counsel who will present to please identify themselves
14 beginning with Petitioner.

15 MR. KUSHAN: Good afternoon, Your Honors.
16 Jeff Kushan from Sidley for Microsoft. With me is Scott
17 Border from Sidley and Rob Lytle from Microsoft. And I will
18 be speaking, by the way, on behalf of all the petitioners
19 regarding the Kikinis reference. And I have a couple of other
20 administrative issues I would like to touch on.

21 MR. ROSENTHAL: Good afternoon, I am Brian
22 Rosenthal from the law firm of Mayer Brown. With me is
23 Clint Brannon, lead counsel. I also have John Zhu, again,
24 helping me. And from the client from Google is Victor Hsu.

1 JUDGE MEDLEY: And you will be presenting
2 also?

3 MR. ROSENTHAL: I will be presenting on only
4 the Foley reference, the Google petition, although there is a
5 possibility I may comment on the Kikinis stuff, unlikely.

6 JUDGE MEDLEY: Okay. Thank you.

7 MR. WEINBERG: Good afternoon to the Board.
8 My name is Dan Weinberg of Freitas Angell & Weinberg.
9 With me is Dana Zottola, as well as Robert Freitas. I will be
10 presenting on behalf of the Patent Owner today as it relates to
11 all of the arguments presented.

12 JUDGE MEDLEY: Thank you very much. Did
13 you want to discuss the administrative matters right now?

14 MR. KUSHAN: Yes, just very quickly. As you
15 can imagine, we have a number of different petitioners and we
16 had to do a fair amount of coordination before we got here.
17 What we would like, if possible, is five to ten minutes of a
18 break after the presentation of the Patent Owner for us to
19 consolidate our responses to the issues that come up, so
20 maybe if we could take a few minutes to organize our views,
21 just because we have multiple parties that are participating
22 through one voice.

23 JUDGE MEDLEY: Understood. Did you suggest
24 this to Mr. Weinberg?

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