

RECORD OF ORAL HEARING
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FACEBOOK INC.

Petitioner

vs.

B.E. TECHNOLOGY, LLC

Patent Owner

Case No. IPR2014-00052 and 2014-00053

Patent 6,628,314

Application No. 09/699705

Technology Center 2100

Oral Hearing Held: Wednesday, December 10, 2014

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

The above-entitled matter came on for hearing on Wednesday,
December 10, 2014 at the U.S. Patent and Trademark Office, 600 Dulany
Street, Alexandria, Virginia at 9:30 a.m. in Courtroom A.

Case Nos. IPR2014-00052 and 2014-00053
Patent 6,628,314

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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ON BEHALF OF THE PATENT OWNER:

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P R O C E E D I N G S

(9:30 a.m.)

JUDGE MEDLEY: Please be seated.

Good morning. This is a day-long hearing involving Patent Owner B.E. Technology's U.S. Patent Number 6,628,314, referred to as the '314 patent.

The hearing involves three sessions. During the first session, we will hear arguments for IPR2014-00052 and 53.

After the session this morning, we will take a lunch break, and then we will resume to hear arguments for IPR2014-00038 at 1:00 p.m., followed by another break, and we will finish with the final session to hear arguments for IPR2014-00039 at 3:00 p.m.

Because there is much overlap between the cases and to avoid duplicative efforts to explain certain issues, today's hearing will result in a single transcript to be uploaded in each case.

Yesterday afternoon a conference call was held involving counsel for the respective parties and us. One purpose of the call was to discuss B.E. lead counsel's absence for the hearing today and tomorrow.

Specifically Mr. Angell, lead counsel for B.E., explained that an urgent matter arose, work matter arose that would prevent his attendance today and tomorrow.

Backup counsel for B.E. are not registered to practice before the Office but were admitted for the limited purpose of participating in these proceedings. 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 proceeding at all times.

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

We again remind counsel for Patent Owner that they should update the PRPS metadata and file a notice under 42.8 indicating backup counsel. Based on the current record before us, only Mr. Angell is listed as counsel for B.E.

Please see FAQ F12 on the Board's web page for instructions on how to do that.

For the first session we will hear arguments for IPRs 2014-00052 and 53 between Petitioner and Patent Owner B.E.. IPR2014-000743 has been joined with the 52 IPR and IPR2014-000698 and 744 have been joined with the 53 IPR.

The Petitioners in those cases were given the opportunity to attend today but not to participate by presenting arguments.

So at this time we would like counsel who will present for the morning session involving IPR2014-00052 and 53 to please identify themselves beginning with the Petitioner.

MS. KEEFE: Thank you, Your Honors. Good morning. My name is Heidi Keefe. I'm from the Cooley law firm and I will be representing Facebook today.

With me is in-house counsel from Facebook, Stacy Chen.

JUDGE MEDLEY: Thank you. And for Patent Owner?

MR. FREITAS: Good morning, Your Honors. I am Robert Freitas of Freitas Angell & Weinberg. I will be representing the Plaintiff this morning.

Daniel Weinberg and Dana Zottola, who is a registered practitioner, are present as well.

JUDGE MEDLEY: Okay. Thank you. Per the November 14th order, each party will have 60 minutes of total time to present arguments for the two cases.

Petitioner will proceed first to present its case with respect to the challenged claims and grounds for which the Board instituted trial for both cases.

Thereafter, Patent Owner will respond to Petitioner's presentation for both cases and present its motion to amend.

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