

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RELOADED GAMES, INC.,
Petitioner,

v.

PARALLEL NETWORKS, LLC,
Patent Owner.

Cases IPR2014-00136 and -00139
Patents 7,188,145 and 7,730,262

Held: February 23, 2015

Before: KRISTEN L. DROESCH, BRIAN MCNAMARA, and
HYUN J. JUNG, *Administrative Patent Judges*.

The above-entitled matter came on for hearing on Monday,
February 23, 2015, commencing at 1:30 p.m., at the U.S. Patent and
Trademark Office, 600 Dulany Street, Alexandria, Virginia.

Cases IPR2014-00136 and -00139
Patents 7,188,145 and 7,730,262

APPEARANCES:

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P R O C E E D I N G S

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JUDGE MCNAMARA: Please be seated. Good afternoon, everyone. This is the oral hearing in IPR2014-00136, and we're consolidating that with the hearing in IPR2014-00139, both Reloaded Games versus Parallel Networks. Is that the case everyone's here for?

ALL COUNSEL: Yes, Your Honor.

JUDGE MCNAMARA: That's a good sign.

Okay, if I could please have the -- starting with the Petitioner, counsel, could you introduce yourselves?

MR. BURESH: Yes, Your Honor, Eric Buresh and Mark Lang on behalf of Petitioner.

MR. COLLINS: And it's Darren Collins, Aaron Pickell, and Robert Hilton, on behalf of Parallel Networks, the Patent Owner.

JUDGE MCNAMARA: Okay. We have no motions or other matters pending before us today, just the arguments on the case in chief. So, the Petitioner will go first, present its case with regard to the challenged claims on which we instituted trial, and then the Patent Owner will argue its opposition to the Petitioner's case, and then the Petitioner can use any time it reserved to rebut the Patent Owner's opposition.

Is everybody ready to begin?

MR. BURESH: Yes, Your Honor.

MR. COLLINS: Yes, Your Honor.

1 THE COURT: All right. We will hear first from Petitioner.
2 Is there some amount of time you would like me to --

3 MR. BURESH: Let me ask logistically, should we --
4 because there are two proceedings consolidated, should we argue one
5 fully and then proceed to the next or would you like to --

6 JUDGE MCNAMARA: I think we would prefer to have
7 you just make the arguments on the two patents together instead of
8 starting and stopping and starting and stopping. Is that all right?

9 MR. BURESH: That is perfectly fine. So, I will reserve 20
10 minutes for rebuttal.

11 JUDGE MCNAMARA: Okay.

12 MR. BURESH: May I approach with demonstratives?

13 JUDGE MCNAMARA: Sure, please.

14 MR. BURESH: Your Honors, if it pleases the Board, I will
15 start out with proceeding 2014-139, which relates to the '262
16 challenged patent. And I believe as you go through the briefing in this
17 particular proceeding, you will see that there is primarily one term of
18 claim construction. So, I'm going to focus my time with respect to the
19 '262 patent on that claim construction issue, and it relates to the term
20 "master." It relates to the term "master," and I think this permeates
21 the -- both of the limitations that are being challenged with respect to
22 the '262 patent. So, I'm going to dive right in.

23 In the Institution Decision, the Board preliminarily found
24 that the term "master" should be construed as "a peer that provides

1 administrative support to other peers." That is at the Institution
2 Decision at page 7.

3 That definition was taken from the patent specification at
4 column 18 in lines 38 through 41, and I believe that was an
5 appropriate place to cite for purposes of that definition, and I want to
6 note a point of -- having read the Patent Owner's response -- a patent
7 of clarification that I would like to make.

8 At page 15 of their response, their briefing goes through a
9 series of responsibilities that a master could do, and in their briefing,
10 they say, "after listing several tasks attributable to the master...the
11 specification states that 'master is further responsible for providing
12 administrative support to the community ...'"

13 Now, that quote and the way the quote was structured in the
14 brief makes it appear that there are tasks attributable to the master and
15 then, in addition, there are administrative tasks or administrative
16 support that the master can provide. That is not an accurate reading of
17 what the specification actually states.

18 At Column 18, lines 38 through 41 of the '262 patent, we see
19 that the actual description is "In addition to the functionality provided
20 by members, master is further responsible for providing
21 administrative support to community." So, what we see out of the
22 specification is the concept that you can have a master that is also a
23 member of the community. It has the characteristics of a member, and
24 in addition to what it does as a member, it also serves the
25 administrative role to support the community.

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