

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE INC., SAMSUNG ELECTRONICS AMERICA, INC.,
and SAMSUNG ELECTRONICS CO., LTD.,
Petitioner,

v.

MICROGRAFX, LLC,
Patent Owner.

Case IPR2014-00532 (Patent 5,959,633)
Case IPR2014-00533 (Patent 6,057,854)
Case IPR2014-00534 (Patent 6,552,732)

Held: May 18, 2015

Before: SALLY C. MEDLEY, RICHARD E. RICE and
BARBARA A. PARVIS, *Administrative Patent Judges*.

The above-entitled matter came on for hearing on Monday, May 18, 2015, commencing at 10:00 a.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

Case IPR2014-00532 (Patent 5,959,633)

Case IPR2014-00533 (Patent 6,057,854)

Case IPR2014-00534 (Patent 6,552,732)

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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Case IPR2014-00532 (Patent 5,959,633)

Case IPR2014-00533 (Patent 6,057,854)

Case IPR2014-00534 (Patent 6,552,732)

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P R O C E E D I N G S

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JUDGE MEDLEY: Good morning, please be seated. This is the hearing for IPR2014-00532, 533 and 534, between Petitioner Google and Samsung and Patent Owner Micrografx. Per our April 9th order, each party will have 60 minutes of total time to present arguments for the three proceedings.

Petitioner, you will proceed first to present your case with respect to the challenged claims and grounds for which we instituted trial for all of the proceedings, and then, Patent Owner, you will have an opportunity to respond to their presentation for the three proceedings. Petitioner, you may reserve rebuttal time to respond to Patent Owner's presentation with respect to their proceedings, and then, Patent Owner, you can reserve rebuttal time, but only with respect to the 532 motion to amend.

At this time, we would like the parties to please introduce counsel, beginning with Petitioner.

MR. ALMELING: Good morning, Your Honors, David Almeling for Petitioners.

MR. HAWKINS: Michael Hawkins for Petitioners.

JUDGE MEDLEY: And who will be presenting today?

MR. ALMELING: I will, Your Honor, and I would like to reserve 20 minutes.

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1 JUDGE: And just to let everyone know, I go by the clock on
2 the wall, so if you want to keep track that way.

3 MR. ALMELING: Thank you.

4 JUDGE MEDLEY: Thank you. And for Patent Owner?

5 MR. WILSON: Douglas Wilson, Your Honor, for Patent
6 Owner, Micrografx, LLC, and with me is Nathan Davis, and I will be
7 presenting with respect to the 532 IPR, and Mr. Davis will be
8 presenting for the 533 and 534 IPRs.

9 JUDGE MEDLEY: Okay, thank you very much.

10 Petitioner, you may begin.

11 MR. ALMELING: Thank you, Your Honor. May it please
12 the Board, this hearing covers three IPR proceedings, and the first, on
13 the '633 patent, the Board instituted IPR on two grounds, the Walton
14 reference and the combination of the Eick and Kruglinski references.
15 In the second and third IPRs on the '854 and '732 patents, the Board
16 instituted patents on one ground, the Pesce reference. There is no
17 substantive difference between the '854 and the '732 patent for
18 purposes of this hearing and thus I will discuss them together.

19 Let me begin by saying Petitioner's position here is simple.
20 For those claims on which the Board instituted IPR, the Board got it
21 right, that is Petitioner satisfied their *prima facie* case by submitting
22 the petition and the expert declaration of Dr. Anselmo Lastra.
23 Petitioners and Dr. Lastra now agree with the Board's decision on the
24 claim constructions analyses and the conclusions it reached.

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1 In short, if the Board maintains its claim construction
2 analyses and conclusions, notwithstanding Micrografx's attacks to the
3 contrary, the conclusions should be the same.

4 So, today, I would like to direct my attention to the heart of
5 the dispute, and focus on Micrografx's various attacks on the
6 institution decision. I don't plan to address all attacks, as they'll reply,
7 and a second declaration of Dr. Lastra already did that, instead I'll
8 focus on the five key issues.

9 The first two relate to the '854 and '732 patent. Number one,
10 whether the Board should change its construction of interactive vector
11 object and adopt Micrografx's narrow construction. Two, whether the
12 Board should reverse its decision that the VRML objects within Pesce
13 disclose an interactive vector object.

14 The final three relate to the '633 patent. Number 3, whether
15 the Board should change its construction of external shape and reverse
16 its decision that Walton discloses external shape. Four, whether the
17 Board should change its construction of delegate and reverse its
18 decision that the production of graphical images in Walton disclose
19 such delegation. And five, whether the Board properly combined Eick
20 with Kruglinski.

21 I frame these five issues as whether the Board should reverse
22 its decision because all of them involve the Board finding correctly the
23 first time and rejecting Micrografx's arguments to the contrary. I also
24 framed these decisions mostly in terms of claim construction because

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