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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.



APPEARANCES:

ON BEHALF OF THE PETITIONER:

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ON BEHALF OF PATENT OWNER:

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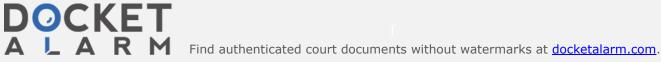
1 2	PROCEEDINGS
3	
4	JUDGE MEDLEY: Good morning, please be seated. This
5	is the hearing for IPR2014-00532, 533 and 534, between Petitioner
6	Google and Samsung and Patent Owner Micrografx. Per our April 9th
7	order, each party will have 60 minutes of total time to present
8	arguments for the three proceedings.
9	Petitioner, you will proceed first to present your case with
10	respect to the challenged claims and grounds for which we instituted
11	trial for all of the proceedings, and then, Patent Owner, you will have
12	an opportunity to respond to their presentation for the three
13	proceedings. Petitioner, you may reserve rebuttal time to respond to
14	Patent Owner's presentation with respect to their proceedings, and
15	then, Patent Owner, you can reserve rebuttal time, but only with
16	respect to the 532 motion to amend.
17	At this time, we would like the parties to please introduce
18	counsel, beginning with Petitioner.
19	MR. ALMELING: Good morning, Your Honors, David
20	Almeling for Petitioners.
21	MR. HAWKINS: Michael Hawkins for Petitioners.
22	JUDGE MEDLEY: And who will be presenting today?
23	MR. ALMELING: I will, Your Honor, and I would like to
24	reserve 20 minutes.



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.



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 Eich
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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