

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SAMSUNG ELECTRONICS CO., LTD., SAMSUNG  
ELECTRONICS AMERICA, INC., and SAMSUNG  
TELECOMMUNICATIONS AMERICA, LLC,  
Petitioner,

v.

BLACK HILLS MEDIA, LLC,  
Patent Owner.

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Cases IPR2014-00717 and IPR2015-00335  
Patent 6,108,686

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Held: July 28, 2015

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BEFORE: BRIAN J. McNAMARA, DAVID C. McKONE, and  
FRANCES L. IPPOLITO, *Administrative Patent Judges*.

The above-entitled matter came on for hearing on Tuesday, July 28,  
2015, commencing at 1:31 p.m., at the U.S. Patent and Trademark  
Office, 600 Dulany Street, Alexandria, Virginia.

Cases IPR2014-00717 and IPR2015-00335  
Patent 6,108,686

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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ON BEHALF OF PATENT OWNER:

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P R O C E E D I N G S

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3 JUDGE McNAMARA: Good afternoon. This is the oral  
4 hearing in case IPR2014-00717, which has been joined with case  
5 IPR2015-00335. As you can tell today, we have two remote judges,  
6 Judge McKone is joining us from Detroit. Judge Ippolito is joining us  
7 from California. So I would remind everybody when they are making  
8 their presentations today to speak into the microphones so that the  
9 remote judges will be sure to be able to hear you. And if there are any  
10 references to demonstratives, exhibits, parts of the record, please state  
11 that orally so that we can be sure that everyone can access the  
12 information on the same page.

13 I would like to have the parties introduce themselves. So let  
14 me begin first with the patent owner, ask you to approach the podium  
15 and introduce your team.

16 MR. ENGELLENER: Good afternoon, Your Honors.  
17 Tom Engellenner from Pepper Hamilton representing patent owner,  
18 Black Hills Media. Also with me is my co-counsel, George Haight  
19 and co-counsel, Andrew Schultz, and also a representative of the  
20 patent owner, Hugh Svendsen.

21 JUDGE McNAMARA: Thanks very much. And for the  
22 petitioner?

23 MS. REISTER: Good afternoon, Your Honors. This is  
24 Andrea Reister on behalf of the Samsung petitioners representing all  
25 of the petitioners in the joined proceeding. With me today and who

1 will be giving the presentation on behalf of the petitioners is my  
2 co-counsel, Mr. Greg Discher. We also have with us today another  
3 lawyer from Covington, Mr. Sawyer as well as representative of  
4 Samsung, Mr. Rett Snotherly.

5 JUDGE McNAMARA: Thank you. Each party will have  
6 40 minutes of total argument time. Petitioner will go first, present its  
7 case with regard to the challenged claims. The patent owner then will  
8 argue its opposition to petitioner's case, and petitioner then may use  
9 any time it reserved to rebut the patent owner's opposition. There are  
10 no other issues or motions to be heard today. So is everybody ready  
11 to proceed?

12 MS. REISTER: Yes, we are, Your Honor.

13 JUDGE McNAMARA: Let's start with the petitioner, is  
14 there some amount of time you would like for me to reserve for you?

15 MR. DISCHER: Fifteen minutes, Your Honor.

16 JUDGE McNAMARA: Okay.

17 MR. DISCHER: Good afternoon, Your Honors. I am  
18 Gregory Discher representing Samsung Electronics, petitioner, here to  
19 talk about the '686 patent. The challenged claims in the '686 patent  
20 are broadly stated and we believe, as a result are unpatentable.

21 The '686 patent and Reilly both disclose information  
22 retrieval systems that enable a user to view information of interest that  
23 is obtained from a remote database and stored locally.

24 The '686 patent and Reilly solved the same problem, that is  
25 enabling users to obtain specific information on a predefined subject

1 such as news or sports, and the '686 patent and Reilly solved the  
2 problem in the same way. In the '686 patent, it provides for the  
3 creation of search rules to obtain specific information for a predefined  
4 subject. That specific information is retrieved from a network  
5 database and stored in a local database.

6 Reilly also provides for the creation of search rules to obtain  
7 specific information such as stories about the 49ers or Rams for a  
8 predefined subject such as a sport like football.

9 The stories about the 49ers or Rams are retrieved from a  
10 network database and stored in a local database. There's two  
11 fundamental disputes in this case with regard to the independent  
12 claims. The first dispute is whether information retrieval carried out  
13 in Reilly is a search. The second dispute is whether the information  
14 retrieved in Reilly is only on a predefined subject. And I'll address  
15 these two issues in turn.

16 With regard to the term "search," BHM argues that Reilly  
17 does not disclose a search agent because the word "search" does not  
18 appear in Reilly. As we point out in our reply, it's black letter law that  
19 a prior art reference need not disclose the exact terminology used in  
20 the claim. What matters is what Reilly discloses when considered  
21 together with the knowledge of one of ordinary skill in the pertinent  
22 art.

23 BHM's own definition of search which appears, one  
24 definition on slide 11 of its own demonstratives reads as follows: To  
25 seek specific data within a file or structure. The functionality of

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