

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.,
TWITTER, INC., AND YELP, INC.
Petitioners,

v.

EVOLUTIONARY INTELLIGENCE, LLC,
Patent Owner.

Case IPR2014-00086
Case IPR2014-00812
Patent No. 7,010,536

RECORD OF ORAL HEARING
Held: Tuesday, January 6, 2015

Before BRIAN McNAMARA, GREGG ANDERSON (via video link), and KALYAN K. DESHPANDE, *Administrative Patent Judges*.

The above-entitled matter came on for hearing on Tuesday, January 6, 2015, at 1:00 p.m., in Hearing Room A, taken at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

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P R O C E E D I N G S

(1:00 p.m.)

JUDGE McNAMARA: Please be seated. Good afternoon. This is the oral hearing in two IPR cases, IPR2014-00086 and IPR2014-00812. Petitioners are Apple, Inc., Twitter, Inc. and Yelp, Inc. Patent Owner is Evolutionary Intelligence, LLC.

Beginning with Petitioner, could counsel please introduce themselves.

MR. KUSHAN: Yes, Your Honor. Jeff Kushan with Sidley Austin for Apple. With me is Sam Dillon and Tom Broughan of my firm. And also with me is Jen Yokoyama from our client Apple.

JUDGE McNAMARA: Thank you.

MR. KADABA: Your Honor, Wab Kadaba with Kilpatrick Townsend for Yelp, Inc. and Twitter, Inc., all in the '812 proceeding.

Also with me is my colleague Rob Artuz, and we have our client representative, Wendy Riggs, from Twitter, Inc.

JUDGE McNAMARA: Thank you. Patent Owner?

MR. PATEK: Good afternoon. I'm Anthony Patek from Gutride Safier on behalf of Evolutionary Intelligence. And with me is backup counsel, Todd Kennedy, also from Gutride Safier on behalf of Evolutionary.

1 JUDGE McNAMARA: Great. Well, welcome to
2 the Patent Trial and Appeal Board. Today each party will
3 have 60 minutes of total argument time. The Petitioner bears
4 the ultimate burden of proof on the claims at issue and so
5 Petitioner will go first, present its case, and may reserve some
6 time for rebuttal.

7 The Patent Owner will then argue its opposition to
8 the Petitioner's case. And I believe there is a motion to
9 exclude that we might be hearing today, and so the Patent
10 Owner can present its case on the motion to exclude.

11 Petitioner will then have an opportunity to rebut
12 the Patent Owner's opposition and oppose the motion to
13 exclude. And the Patent Owner may then use any time it
14 reserved solely to rebut the Petitioner's opposition to the
15 Patent Owner's motion to exclude.

16 I also would like to mention we have Judge
17 Anderson who is participating remotely today. So please keep
18 that in mind as you are making your arguments.

19 Is everyone ready to proceed?

20 MR. KUSHAN: Yes, Your Honor.

21 JUDGE McNAMARA: We will begin with the
22 Petitioner. Is there some time you would like for me to
23 reserve?

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