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IPR2014-01366, Paper No. 45

IPR2014-01367, Paper No. 41

IPR2014-01368, Paper No. 44

January 19, 2016

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

STRAIGHT PATH IP GROUP, INC.,
Patent Owner.

Case IPR2014-01366 (Patent 6,108,704 C1)

Case IPR2014-01367 (Patent 6,009,469 C1)

Case IPR2014-01368 (Patent 6,131,121 C1)

Held: November 19, 2015

BEFORE: KALYAN K. DESHPANDE, TRENTON A. WARD,
and BART A. GERSTENBLITH, Administrative Patent Judges.

The above-entitled matter came on for hearing on Wednesday,
November 18, 2015, commencing at 1:00 p.m., at the U.S. Patent
and Trademark Office, 600 Dulany Street, 9th Floor, Alexandria,
Virginia.

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IPR2014-01367 (Patent 6,009,469 C1)

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1 P R O C E E D I N G S

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3 JUDGE DESHPANDE: Good afternoon everyone.

4 This afternoon we'll be hearing the oral arguments for
5 IPR2014-01366, IPR2014-01367, IPR2014-01368, Samsung
6 Electronics, Samsung Electronics America, Samsung
7 Telecommunications America, v. Straight Path IP Group. IPRs
8 2015-01006, 01007, 01011 have joined including Cisco and
9 Avaya to this proceeding.

10 I'm Judge Deshpande. To my right is Judge
11 Gerstenblith. And on our screen today is Judge Ward. Why don't
12 we have the appearances first. Who do we have from Petitioner?

13 MR. ERICKSON: Your Honor, Brian Erickson and
14 Jeff Cole, DLA Piper for Petitioner, Samsung.

15 MR. MEUNIER: Bill Meunier and Michael Newman
16 from Mintz Levin for Straight Path.

17 JUDGE DESHPANDE: Thank you. I want to remind
18 everybody now that we have Judge Ward on the screen, he won't
19 be able to hear what you are saying if you don't speak into the
20 microphone. So from this moment on, any time you have
21 anything to say please step up to the microphone and speak into
22 the microphone. Also identify on your demonstratives what slide
23 number or where you are referencing in a reference, anything, so

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1 that we have a clear record for our stenographer and for Judge
2 Ward remotely.

3 We've set forth the procedure for today's hearing in our
4 trial order but just to remind everybody, we've allocated
5 90 minutes for each side to be allocated as you see fit amongst the
6 three cases. Just to avoid any confusion, please identify the IPR
7 that you are speaking on when you are speaking on it so that we
8 are not confused as to what case we are talking about.

9 Petitioner bears the burden of proof. You will go first.
10 You may reserve time for rebuttal. If you want to give me
11 advance notice of how much time you want to reserve, I will give
12 you a warning. If not, I'll give both sides warnings when you are
13 approaching or nearing the end of your time.

14 After Petitioner has completed, Patent Owner will have
15 a chance. We've allocated about three hours for today's hearing.
16 So if we reach a point where a break is needed or a break is
17 deemed necessary, I'll just go ahead and call it and we'll take a
18 five- or ten-minute break as needed. Does anyone have any
19 questions? With that, Petitioner you may begin when you are
20 ready.

21 MR. ERICKSON: Thank you, Your Honor. May it
22 please the Court, I'm going to start by addressing IPR-1366. The
23 parties have primarily briefed and discussed all the issues in the
24 context of claim 1. That's for the '704 patent. So I will start on

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1 that and probably finish on that in my opening unless Patent
2 Owner goes somewhere else in their response.

3 Subject to the direction of the Board, I would like to
4 start by addressing four undisputed teachings of the WINS
5 reference and then I'll address the dispute with respect to the term
6 "process" and then connected to the network.

7 The first undisputed teaching of the WINS reference is
8 that the WINS reference teaches that a computer typically
9 registers itself when it starts. In other words, you have a piece of
10 hardware. It starts booting up running the Windows NT
11 operating system, which is a program, and it registers. That's
12 what it teaches. That's the first teaching.

13 JUDGE DESHPANDE: I don't want to interrupt --

14 JUDGE WARD: Just so the record is clear -- sorry to
15 interrupt. Just so the record is clear, when you are identifying the
16 WINS reference, you are identifying what we refer to in the
17 decision to institute as the Microsoft Manual; is that correct?

18 MR. ERICKSON: That's correct. It's Exhibit 1012.

19 JUDGE DESHPANDE: I think we all understand the
20 reference. Just to make it clear, you can refer to it as WINS or
21 Microsoft Manual. Just for the record, in this case it was
22 Microsoft Manual.

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