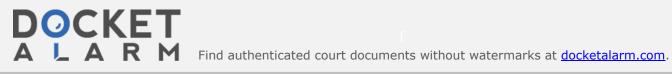
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Page 1
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     UNITED STATES PATENT AND TRADEMARK OFFICE
     BEFORE THE PATENT TRIAL AND APPEAL BOARD
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 3
     HUGHES NETWORK SYSTEMS, LLC and
 5
     HUGHES COMMUNICATIONS, INC.,
 6
     Petitioner,
 7
     v.
 8
     CALIFORNIA INSTITUTE OF TECHNOLOGY,
 9
     Patent Owner.
10
11
     Case IPR2015-00081
    Patent 8,284,833
12
13
14
     PTAB BOARD MEETING
15
16
     TAKEN ON
     WEDNESDAY, FEBRUARY 25, 2015
17
18
     10:01 A.M.
19
20
     701 FIFTH AVENUE, SUITE 5100
21
     SEATTLE, WASHINGTON 98104
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     Job # 90815
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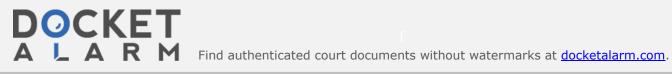
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Page 2
 1
     APPEARANCES
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 3
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     California Institute of Technology:
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     ANDY BROWN, ESQ.
15
     Wilson Sonsini Goodrich & Rosati
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     701 Fifth Avenue
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     Seattle, Washington 98104
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| 1 | PTAB BOARD MEETING | 09:31 |
| 2 | PTAB BOARD MEETING | 09:31 |
| 3 | WEDNESDAY, FEBRUARY 25, 2015 | 12:35 |
| 4 | 10:01 A.M. | 10:01 |
| 5 | MR. WILLIAMS: Hallied Gaugojak who's assisting us | 10:01 |
| 6 | in this matter. | 10:01 |
| 7 | JUDGE PERRY: Thank you very much. And who do we | 10:01 |
| 8 | have representing the patent owner? | 10:01 |
| 9 | MR. ROSATO: Yeah. Good morning, Your Honor. On | 10:01 |
| 10 | the west coast this is Mike Rosato on behalf of the Patent | 10:01 |
| 11 | Owner. And I have with me cocounsel Matthew Argenti and an | 10:01 |
| 12 | associate Andy Brown here. And I wanted to let the parties | 10:01 |
| 13 | know we have a court reporter on the line. | 10:01 |
| 14 | JUDGE PERRY: Excellent. Since you have arranged | 10:01 |
| 15 | for a court reporter please file a transcript of this call | 10:01 |
| 16 | as an exhibit in the among the record papers. | 10:01 |
| 17 | MR. ROSATO: We will do so, Your Honor. Thank | 10:01 |
| 18 | you. | 10:01 |
| 19 | JUDGE PERRY: Are there any others on the line not | 10:01 |
| 20 | yet identified? Okay. | 10:01 |
| 21 | Thank you all for participating in this | 10:01 |
| 22 | panel-initiated call. The reason we initiated the call is | 10:01 |
| 23 | simply to explore the facts related to Patent Owner's | 10:01 |
| 24 | allegation in the preliminary responses that there are | 10:01 |
| 25 | unnamed inter unnamed real parties in interest that | |



| | | Page 4 |
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| 1 | PTAB BOARD MEETING | 10:01 |
| 2 | should have been set forth in the petitions. Let me assure | 10:01 |
| 3 | everyone that we're not going to make any dispositive | 10:01 |
| 4 | decisions on this call. We just want to explore the facts | 10:01 |
| 5 | and that will help us determine next steps procedurally. | 10:01 |
| 6 | So Patent Owner, let's begin with you. Would you | 10:01 |
| 7 | mind just taking a minute or two to summarize for us your | 10:02 |
| 8 | position with regard to these unnamed real parties in | 10:02 |
| 9 | interest? | 10:02 |
| 10 | MR. ROSATO: Certainly, Your Honor. | 10:02 |
| 11 | So, you know, as we set forth in our preliminary | 10:02 |
| 12 | responses and the panel has correctly noted, we believe that | 10:02 |
| 13 | there are real parties in interest which exist but are not | 10:02 |
| 14 | named in any of the petitions, any of the six petitions | 10:02 |
| 15 | involved here. | 10:02 |
| 16 | First there's EchoStar, which is the parent of the | 10:02 |
| 17 | Hughes entities. It is not specifically named as a real | 10:02 |
| 18 | party in interest in the petitions but they should be. | 10:02 |
| 19 | There are various Dish entities that are not named as real | 10:02 |
| 20 | parties in interest in the petitions but they should be. | 10:02 |
| 21 | The only parties specifically named are several Hughes | 10:02 |
| 22 | entities. And as we set forth in our preliminary responses | 10:03 |
| 23 | for various reasons these parties identified should that | 10:03 |
| 24 | we have identified, EchoStar and the Dish entities, should | 10:03 |
| 25 | have been named. You know, the boundary lines are so | |



| | | Page 5 |
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| 1 | PTAB BOARD MEETING | 10:03 |
| 2 | blurred between the Hughes, EchoStar and Dish entities that | 10:03 |
| 3 | each of them either exercised control or could have | 10:03 |
| 4 | exercised control in these IPR proceedings. | 10:03 |
| 5 | Briefly EchoStar is the parent company of Hughes | 10:03 |
| 6 | and public documents expressly state that EchoStar's legal | 10:03 |
| 7 | team and general counsel control the legal affairs of the | 10:03 |
| 8 | Hughes subsidiaries. The Dish entities are specifically | 10:03 |
| 9 | named together with Hughes in the District Court litigation, | 10:03 |
| 10 | though Dish entities are not named in the IPR petitions. | 10:04 |
| 11 | But those entities are represented by common counsel at | 10:04 |
| 12 | District Court. And counsel has even stood up in District | 10:04 |
| 13 | Court and told the judge that Dish and Hughes would be | 10:04 |
| 14 | pursuing IPRs at the patent office, which is exactly what we | 10:04 |
| 15 | see here. And for various other reasons we think the | 10:04 |
| 16 | evidence that we've submitted demonstrates that Dish also | 10:04 |
| 17 | has either exercised control or clearly could have done so | 10:04 |
| 18 | in these proceedings. | 10:04 |
| 19 | Now, we feel we've made a prima facie showing on | 10:04 |
| 20 | this issue. And that showing is supported by evidence | 10:04 |
| 21 | including public documents and SEC filings. At this point, | 10:04 |
| 22 | you know, the Petitioner certainly would be in possession of | 10:04 |
| 23 | further evidence or have access to evidence relevant to this | 10:04 |
| 24 | issue. We feel we made an initial showing and at this point | 10:05 |
| 25 | the ultimate burden of proof on this issue now lies with the | |



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