

1 UNITED STATES PATENT AND TRADEMARK OFFICE  
2 BEFORE THE PATENT TRIAL AND APPEAL BOARD

3

4 HUGHES NETWORK SYSTEMS, LLC and  
5 HUGHES COMMUNICATIONS, INC.,  
6 Petitioner,

7 v.

8 CALIFORNIA INSTITUTE OF TECHNOLOGY,  
9 Patent Owner.

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11 Case IPR2015-00081

12 Patent 8,284,833

13

14 PTAB BOARD MEETING

15

16 TAKEN ON

17 WEDNESDAY, FEBRUARY 25, 2015

18 10:01 A.M.

19

20 701 FIFTH AVENUE, SUITE 5100

21 SEATTLE, WASHINGTON 98104

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24

25 Job # 90815

1 APPEARANCES

2

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12 Appearing on behalf of the Patent Owner,

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1	PTAB BOARD MEETING	09:31
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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	

## PTAB BOARD MEETING

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

## PTAB BOARD MEETING

10:03

1 blurred between the Hughes, EchoStar and Dish entities that 10:03  
2 each of them either exercised control or could have 10:03  
3 exercised control in these IPR proceedings. 10:03

4 Briefly EchoStar is the parent company of Hughes 10:03  
5 and public documents expressly state that EchoStar's legal 10:03  
6 team and general counsel control the legal affairs of the 10:03  
7 Hughes subsidiaries. The Dish entities are specifically 10:03  
8 named together with Hughes in the District Court litigation, 10:03  
9 though Dish entities are not named in the IPR petitions. 10:04  
10 But those entities are represented by common counsel at 10:04  
11 District Court. And counsel has even stood up in District 10:04  
12 Court and told the judge that Dish and Hughes would be 10:04  
13 pursuing IPRs at the patent office, which is exactly what we 10:04  
14 see here. And for various other reasons we think the 10:04  
15 evidence that we've submitted demonstrates that Dish also 10:04  
16 has either exercised control or clearly could have done so 10:04  
17 in these proceedings. 10:04

18 Now, we feel we've made a prima facie showing on 10:04  
19 this issue. And that showing is supported by evidence 10:04  
20 including public documents and SEC filings. At this point, 10:04  
21 you know, the Petitioner certainly would be in possession of 10:04  
22 further evidence or have access to evidence relevant to this 10:04  
23 issue. We feel we made an initial showing and at this point 10:05  
24 the ultimate burden of proof on this issue now lies with the

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