

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.

10

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

22

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25 Job # 90815

1 APPEARANCES

2

3 Appearing on behalf of the Petitioner,

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12 Appearing on behalf of the Patent Owner,

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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

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

## PTAB BOARD MEETING

1 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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