Paper 54

Entered: 6 May 2014

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZTE CORPORATION AND ZTE (USA) INC., Petitioner,

V.

CONTENTGUARD HOLDINGS INC., Patent Owner.

IPR2013-00133 (Patent No. 7,523,072) IPR2013-00137 (Patent No. 6,963,859) IPR2013-00138 (Patent No. 7,139,736) IPR2013-00139 (Patent No. 7,269,576)

Record of Oral Hearing

Before: JAMESON LEE, MICHAEL W. KIM, and MICHAEL R. ZECHER, *Administrative Patent Judges*.

(Sessions 1 and 2)

APPEARANCES:

ON BEHALF OF THE PETITIONER:

JON H. BEAUPRE, ESQ. MIYOUNG SHIN, ESQ. Brinks Gilson & Lione NBC Tower, Suite 3600 455 North Cityfront Plaza Drive Chicago, Illinois 60611-5599



1	ON BEHALF OF THE PATENT OWNER:
2	JON E. WRIGHT, ESQ.
3	ROBERT GREENE STERNE, ESQ.
4	Sterne Kessler Goldstein Fox
5	1100 New York Avenue, N.W.
6	Washington, D.C. 20005
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8	The share with house or Control with a Western La
9	The above-entitled matter came on for hearing on Wednesday,
.0	February 26, 2014, commencing at 10:00 a.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.
	Trademark Office, 600 Durany Street, Alexandria, Virginia.
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5	PROCEEDINGS
6	
7	JUDGE LEE: Good morning. Please be seated.
8	Welcome to the Board. This morning, we have what's
9	actually a combined hearing for four cases. They are
20	IPR2013-00133, 137, 138 and 139. The joint or
21	consolidated hearing will be spread out over four sessions,
22	and this is session 1 of the four, and we will be focusing on
23	the specific issues of the 133 case in this session. Although
24	because some of the issues overlap, whatever you argue, to
25	the extent that it applies to the other cases, it will apply, but
26	we will primarily be focusing on the issues in the 133 case
27	this morning.
28	May I have counsel introduce themselves please



1 MR. BEAUPRE: Your Honor, Jon Beaupre and Miyoung Shin on behalf of ZTE Corporation and ZTE USA. 2 3 JUDGE LEE: Thank you. MR. WRIGHT: Jon Wright, Your Honor, and my 4 partner Rob Sterne on behalf of ContentGuard. 5 6 JUDGE LEE: Thank you. Good morning. Whenever you're ready, we will begin with Petitioner's 7 8 counsel. 9 MR. BEAUPRE: Thank you. 10 MS. SHIN: Your Honor, we have prepared for 11 the judges copies of the slide, would you like to have that? 12 JUDGE LEE: I would appreciate that, thank you. 13 MR. WRIGHT: Your Honor, would you like the 14 Patent Owner's demonstratives now as well? 15 JUDGE LEE: Please. 16 MR. BEAUPRE: Thank you and good morning, 17 Your Honors, as I mentioned, my name is Jon Beaupre, and I 18 will be providing a brief summary of the case and then speaking about claim construction, and then co-counsel, 19 Miyoung Shin, will address the remaining issues regarding 20 21 the 133 case. 22 And, Your Honors, if it would please the Court, 23 ZTE would like to save 15 minutes for rebuttal time. 24 JUDGE LEE: Yes.



1	MR. BEAUPRE: Thank you. As a brief summary
2	of the trial, claims 1 through 25 in the '072 patent were all
3	instituted and found likely to be anticipated by EP 139,
4	under Section 102(b). Looking at Claim 1, there are three
5	independent claims of the '072 patent: claims 1, 10 and 18.
6	Claim 1 generally recites the method for securely rendering
7	digital documents, including retrieving a digital document,
8	in at least one usage right from the document repository,
9	storing the digital document and usage right in separate
10	files, determining whether the digital document may be
11	rendered, and, if so, rendering the digital document.
12	Claim 10 and Claim 18 are similarly method
13	claims, reciting some of the same elements, but also there
14	are some differences between the two, which we will point
15	out when relevant.
16	Under claim construction, this slide or this
17	demonstrative highlights the use of the term "repository"
18	throughout the claims. As you can see, it appears in each of
19	the claims: claims 1, 10 and 18. And the Board's
20	construction of the term "repository" is a trusted system
21	which maintains physical, communications, and behavioral
22	integrity, and supports usage rights."
23	Going into that a little in more detail, physical
24	integrity, communications integrity, and behavioral integrity
25	were all construed by the Board and the parties do not



- disagree regarding physical integrity or communications
- 2 integrity. But ContentGuard has objected to the Board's or
- 3 disagreed with the Board's construction of behavioral
- 4 integrity to a certain extent. ZTE agrees with the Board's
- 5 construction with respect to behavioral integrity.
- So, going into behavioral integrity in a little more
- 7 detail, the description of the term "repository software" is
- 8 one of the two points where the parties disagree as to the
- 9 term "behavioral integrity." ContentGuard asserts that the
- 10 construction of behavioral integrity was too broad because it
- 11 is not limited to the term "repository software," as
- 12 ContentGuard reads that term. However, as I mentioned,
- 13 ZTE does agree with the Board's construction.
- Going into the term "repository software," now in
- 15 a little more detail, for two main reasons, it's ZTE's position
- that the Board's construction with respect to repository
- 17 software is proper. The term "repository software" appears
- only once in the specification of the four patents, and if it
- 19 will please the Court, I will give cites for the '072 patent
- 20 with respect to claim construction issues, so that we have
- 21 consistent cites. Our papers have cites for the other four
- cases as well.
- JUDGE LEE: Counsel, to what extent does the
- specification, do they differ between the four patents?



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