

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

CONTENTGUARD HOLDINGS INC.,  
Patent Owner.

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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)

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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  
7  
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9 The above-entitled matter came on for hearing on Wednesday,  
10 February 26, 2014, commencing at 10:00 a.m., at the U.S. Patent and  
11 Trademark Office, 600 Dulany Street, Alexandria, Virginia.  
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15 P R O C E E D I N G S

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17 JUDGE LEE: Good morning. Please be seated.  
18 Welcome to the Board. This morning, we have what's  
19 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  
2 Miyoung Shin on behalf of ZTE Corporation and ZTE USA.

3 JUDGE LEE: Thank you.

4 MR. WRIGHT: Jon Wright, Your Honor, and my  
5 partner Rob Sterne on behalf of ContentGuard.

6 JUDGE LEE: Thank you. Good morning.  
7 Whenever you're ready, we will begin with Petitioner's  
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  
19 speaking about claim construction, and then co-counsel,  
20 Miyoung Shin, will address the remaining issues regarding  
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

1 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.

6           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.

14           Going into the term "repository software," now in  
15 a little more detail, for two main reasons, it's ZTE's position  
16 that the Board's construction with respect to repository  
17 software is proper. The term "repository software" appears  
18 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  
22 cases as well.

23           JUDGE LEE: Counsel, to what extent does the  
24 specification, do they differ between the four patents?

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