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
7
8
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.
12
13
14
15   P R O C E E D I N G S

16   -   -   -   -   -

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.

2

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?

DOCKET ALARM

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts

Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research

With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips

Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.

fastcase®
Smarter legal research.