

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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DISH NETWORK L.L.C. and SIRIUS XM RADIO INC.,  
Petitioner,

v.

DRAGON INTELLECTUAL PROPERTY,  
Patent Owner.

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Case IPR2015-00499<sup>1</sup>  
Patent 5,930,444

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Held: February 9, 2016

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BEFORE: NEIL T. POWELL, STACEY G. WHITE, and  
J. JOHN LEE, Administrative Patent Judges.

The above-entitled matter came on for hearing on Tuesday,  
February 9, 2016, commencing at 1:30 p.m., at the U.S. Patent  
and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

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<sup>1</sup> Case IPR2015-01735 has been joined with this proceeding.

Case IPR2015-00499  
Patent 5,930,444

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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ON BEHALF OF PATENT OWNER:

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1 P R O C E E D I N G S

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3 JUDGE POWELL: Good afternoon. This is the  
4 hearing for IPR2015-00499, which involves U.S. Patent Number  
5 5,930,444. IPR2015-01735 has been joined with  
6 IPR2015-00499. Here with me in the hearing room we have  
7 Judge Lee, and joining us remotely from Dallas we have Judge  
8 White on the monitor over there to my left.

9 Can counsel please state your names for the record.

10 MR. WILLIAMS: Good afternoon, Your Honor, Eliot  
11 Williams with Baker Botts for the Petitioner. With me is  
12 Hopkins Guy, Jamie Lynn, and in-house director of IP for Dish  
13 Network Jim Hanft.

14 MR. ZHU: Good afternoon, Your Honor, Kai Zhu from  
15 Dragon representing Dragon Intellectual Property LLC. With me  
16 is Mr. Lei Mei as an observer.

17 MR. MEI: Your Honors, I am just here to observe as a  
18 member of the public.

19 JUDGE POWELL: Okay, thank you. Per the hearing  
20 order, the Petitioner will have 30 minutes of argument time and  
21 the Patent Owner will likewise have 30 minutes of argument  
22 time. We will start with the Petitioner who may reserve time for  
23 rebuttal. Patent Owner will then respond to Petitioner's  
24 presentation and we will close then with Petitioner -- with the  
25 opportunity for Petitioner to use any remaining time to respond to

1 Patent Owner's presentation. When you present, you must  
2 identify each demonstrative exhibit clearly and specifically, such  
3 as by slide number or screen number, that is particularly  
4 important because Judge White cannot view the projection screen  
5 here in the hearing room.

6 With that, are there any questions before we begin?

7 (No response.)

8 JUDGE POWELL: Okay, we will start with Petitioner.  
9 Would you like to reserve any time?

10 MR. WILLIAMS: Yes, Your Honor, I'll reserve 15  
11 minutes.

12 JUDGE POWELL: Fifteen?

13 MR. WILLIAMS: Yes. And I have hard copies of the  
14 demonstratives if the Board would like them.

15 JUDGE POWELL: Certainly. Whenever you're ready.

16 MR. WILLIAMS: Thank you, Your Honor. If it  
17 pleases the Board, again, my name is Eliot Williams, I represent  
18 Dish Network, the Petitioner in this action. Before I get into the  
19 substance of my presentation, I did just want to take a moment to  
20 acknowledge the Board's final written decision in the Unified  
21 Patents versus Dragon matter, which is IPR2014-01252, so we  
22 did see a copy of the Board's final written decision in that  
23 proceeding late last week.

24 I just wanted to note that to the extent that decision does  
25 address the Goldwasser reference, which is part of the grounds in

1 this proceeding, Petitioner agrees with the Board's conclusions in  
2 that final written decision, including the conclusion that  
3 Goldwasser discloses the interruption in the preamble of claim 1  
4 and 14 of the '444 patent, as well as the Board's conclusions about  
5 the use of remote control, and specifically I believe the Board  
6 found that the use of a remote control with play and record  
7 buttons to invoke the play and record capabilities of time shifting  
8 devices, such as -- in that case the Ulmer and Goldwasser  
9 references, was within the level of skill in the art. We agree with  
10 that discussion. We think that conclusion applies here as well  
11 and results in unpatentability of the claims for a very similar  
12 reason.

13 JUDGE POWELL: Well, I would just say, we'll  
14 consider the merits of this case based on the documents filed in  
15 this case and the arguments made in this case.

16 MR. WILLIAMS: Absolutely, and we hope that the  
17 Board will, and that's completely our intention.

18 Let me just begin by discussing the Goldwasser  
19 reference. It is Petitioner's argument that the Goldwasser  
20 reference essentially discloses all of the claimed elements of  
21 claim 1 and 14 with the exception of the two-key keyboard. So,  
22 let me just -- and then with respect to the two-key keyboard, it's  
23 our contention that it would be obvious to use a two-key  
24 keyboard in place of what Goldwasser does disclose, which is a  
25 user control panel.

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