

1 UNITED STATES PATENT AND TRADEMARK OFFICE
2 BEFORE THE PATENT TRIAL AND APPEAL BOARD

3
4 APPLE, INC AND TWITTER

5 Petitioners,

6 v.

7 SUMMIT 6

8 Patent Owner.

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10 Case IPR2015

11 Patent 00685, 686, 687 and 688.

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14 Before HOWARD B. BLANKENSHIP, KERRY BEGLEY and
15 GEORGIANNA W. BRADEN, Administrative Patent Judges

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19 Job No. 2031172

20 Pages 1 - 10

21 Reporter: Donna M. Lewis, RPR, CSR

22

A P P E A R A N C E S

ON BEHALF OF PETITIONER:

STERNE, KESSLER, GOLDSTEIN & FOX PLLC

BY: JASON D. EISENBERG, ESQUIRE

ON BEHALF OF PATENT OWNER:

LEE & HAYES, PLLC

BY: PETER J. AYERS, ESQUIRE

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

2 JUDGE BLANKENSHIP: This is Judge
3 Blankenship from the P tab (phonetic). Also on
4 are Judges Begley and Braden. This call concerns
5 cases of IPR2015-000685, 686, 687 and 688. Is
6 counsel for patent owner on the line?

7 MR. AYERS: Yes, he is, Your Honor.
8 Peter Ayers for Patent owner 76.

9 JUDGE BLANKENSHIP: All right. Counsel
10 for Petitioner.

11 MR. EISENBERG: Yes, Your Honor. This
12 is Jason Eisenberg for Petitioner.

13 JUDGE BLANKENSHIP: All right. Is there
14 a court reporter on the line?

15 THE COURT REPORTER: Yes. Donna Lewis
16 the court reporter.

17 JUDGE BLANKENSHIP: Who is providing the
18 court reporter?

19 MR. EISENBERG: The Petitioner, Your
20 Honor.

21 JUDGE BLANKENSHIP: All right. Can you
22 see that a copy of the transcript is filed in

1 these cases when it is available?

2 MR. EISENBERG: Yes sir.

3 JUDGE BLANKENSHIP: All right. We
4 understand the Patent owner seeks authorization to
5 file a motion to stay in ex parte reexamination
6 90012987. Patent owner, can you tell us why a
7 motion to stay is appropriate?

8 MR. AYERS: Yes, Your Honor. It is
9 appropriate in this case because that
10 reexamination involves some of the same patents --
11 the same -- one of the same patents that is at
12 issue in nine -- or several of these IPRs
13 challenging the same claims based on the same
14 identical prior art as presented in these IPRs.
15 And we just think given that the patent owner is
16 now -- it is not just these four IPRs, there have
17 actually been a total of ten IPRs file against
18 three related patents. In nine of those involve
19 the two prime -- the two sole prior art references
20 that are being asserted in the reexam. We just
21 think that it would be much more efficient for
22 that matter to be stayed to allow us to -- the

1 record to be developed in the IPRs because the
2 same issues will be presented, namely the scope of
3 the patent, the 482 patent in particular, some
4 claim construction issues are presented in the
5 scope of what the prior art teaches in the Mattus
6 (phonetic) and Gregler (phonetic) references that
7 are being -- that form the basis for their
8 reexamination are also the basis for or at issue
9 in nine of the ten IPRs. And we just requested
10 this call in connection with four of those that
11 specifically challenged the 4A2. But the Kramer
12 and Mathis patents or references are also being
13 asserted as the basis for invalidity in the 681,
14 683, 806 and 807 IPRs which involve either the
15 same 4A2 patent or two related patents. So we are
16 going to be having to vet these same issues in
17 nine of the ten IPRs. And we just think that that
18 is inefficient if nothing else but -- so we would
19 request that that reexam be stayed and that these
20 issues be vetted in the inter parties review where
21 the full record can be developed and we can
22 conserve our resources in defending against all of

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