

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

WHATSAPP INC. and FACEBOOK, INC.,  
Petitioner,

v.

TRIPLAY, INC.,  
Patent Owner.

---

Case IPR2015-00740  
Patent 8,332,475 B2

---

Held: May 19, 2016

---

BEFORE: BENJAMIN D.M. WOOD, BRIAN J. McNAMARA,  
and FRANCES L. IPPOLITO, Administrative Patent Judges.

The above-entitled matter came on for hearing on Thursday, May 19, 2016, commencing at 1:00 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

Case IPR2015-00740  
Patent 8,332,475 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

HEIDI KEEFE, ESQUIRE  
Cooley, LLP  
3175 Hanover Street  
Palo Alto, California 94304-1130

ON BEHALF OF PATENT OWNER:

DOUGLAS R. WEIDER, ESQUIRE  
JAMIE RYERSON, ESQUIRE  
Greenberg Traurig, LLP  
500 Campus Drive  
Suite 400  
Florham Park, New Jersey 07932-0677

P R O C E E D I N G S

1 - - - - -

2 JUDGE IPPOLITO: Good afternoon. This is the oral  
3 hearing in the case IPR2015-00740. This proceeding involves  
4 U.S. patent number 8,332,475. I'm Judge Ippolito. Participating  
5 with us today are Judges Wood and McNamara. As you can tell,  
6 some of us are participating remotely. So I would remind the  
7 parties to speak from the microphone at the podium to be sure  
8 that the remote judges can hear you and also to identify by slide  
9 number any demonstratives you are referring to. Could I please  
10 have, beginning with the petitioner, the parties introduce  
11 themselves.

12 MS. KEEFE: Good afternoon, Your Honors. Heidi  
13 Keefe on behalf of WhatsApp and Facebook. And with me at  
14 counsel table is Yeong Leung (phonetic).

15 MR. WEIDER: Doug Weider on behalf of the patent  
16 owner, and with me is Jamie Ryerson as well as I also have Steve  
17 Peterson from Triplay here.

18 JUDGE IPPOLITO: Thank you. And as a minor  
19 housekeeping issue, it is our understanding that lead counsel for  
20 the patent owner is unable to attend the oral hearing due to travel  
21 arrangements abroad. That being the case, we permitted  
22 Mr. Weider to present at the oral hearing on the condition that  
23 patent owner is further represented by a registered practitioner.  
24 Can I confirm that that is the case today?

1           MR. WEIDER: Yes, it is. Mr. Ryerson is a registered  
2 patent attorney.

3           JUDGE IPPOLITO: Thank you all and welcome to the  
4 Patent Trial and Appeal Board. We will begin today with the  
5 petitioner, who will present its case regarding the challenged  
6 claims and grounds on which we've instituted trial. And then the  
7 patent owner will have an opportunity to respond to petitioner's  
8 argument. The petitioner is entitled to reserve some time to rebut  
9 the arguments presented by the patent owner. Is everyone ready  
10 today to begin?

11           MS. KEEFE: Yes, Your Honors.

12           MR. WEIDER: Yes, Your Honor.

13           JUDGE IPPOLITO: Let's do so.

14           MS. KEEFE: Thank you very much, Your Honors. I  
15 was actually going to request reserving approximately  
16 20 minutes. That doesn't mean that I'll take the whole 25 if I  
17 don't need it.

18           So with that said, the '475 patent which is at issue in this  
19 case is entitled the messaging -- a messaging system and method.  
20 Essentially the '475 patent deals with the notion that we need to  
21 have interoperability between devices so that messages sent from  
22 one device to the another can be easily read in a faster, more  
23 efficient manner even when the devices on two ends of a  
24 communication stream are different.

1           We think back in the original days of messaging, it was  
2 pretty easy that there was a desktop computer with a square  
3 monitor on the sending end and there was a desktop computer  
4 with a square monitor on the receiving end. That didn't present  
5 too many problems because the monitors on both sides were the  
6 same and typically the information being sent was of the same  
7 caliber, the same type of information.

8           However, as technology grew, there were more and  
9 more devices that were different in terms of the formats that they  
10 could receive, in terms of the networks they were connected to  
11 and even in terms of the size of the monitors themselves. So you  
12 would have messages being sent from a desktop computer with a  
13 square monitor to something more akin to a small handheld  
14 device like an iPhone or an Android phone. There became a  
15 need, therefore, to try to make it so that the message being sent  
16 looked as close as possible to the message being received even  
17 though the devices were completely different.

18           The '475 was an essentially a subscription service  
19 whose registered users would register the specifications of their  
20 devices ahead of time so that a central server could alter the  
21 message to be optimized for the receiving device if needed. This  
22 is in Exhibit 1001 at column 16, lines 40 through 17, line 20, and  
23 embodied in Figure 6.

24           The patent owner himself acknowledged that the idea of  
25 assisting with interoperability among devices was not new and it

# 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.