

GOOGLE, INC. v. SUMMIT 6 LLC
Telephone Conference on 04/13/2016

1 UNITED STATES PATENT AND TRADEMARK OFFICE

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PATENT TRIAL AND APPEAL BOARD

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4 GOOGLE, INC.,
Petitioner,

5

v.

6 SUMMIT 6, LLC,
Patent Owner

7

Case IPR2015-00806
Patent No. 7,765,482

8

9 Title: Web-Based Media Submission Tool

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UNITED STATES PATENT AND TRADEMARK OFFICE

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PATENT TRIAL AND APPEAL BOARD

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14 GOOGLE, INC., HTC CORPORATION,
HTC AMERICA, INC.
Petitioner,

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v.

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SUMMIT 6, LLC,
Patent Owner

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Case IPR2015-00807
Patent No. 8,612,515

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Title: Web-Based Media Submission Tool

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TRANSCRIPT OF TELEPHONIC CONFERENCE
BEFORE ADMINISTRATIVE PATENT JUDGES
KERRY BEGLEY and GEORGIANNA BRADEN

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April 13, 2016
11:02 a.m. to 11:27 a.m.

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Yolanda R. Narcisse, CCR-B-2445

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

2 JUDGE BEGLEY: Good morning. This is a
3 conference call for IPR2015-00806 and IPR2015-00807.
4 This is Judge Begley. With me on the line is Judge
5 Braden. Who do we have on the line for Petitioners?

6 MR. MORLOCK: Yes, Your Honor, this is
7 Michael Morlock and John Alemanni for Petitioner
8 Google.

9 JUDGE BEGLEY: Thank you. And do we have
10 someone on the line for Samsung?

11 MR. HEINTZ: Yes, Your Honor, James Heintz.

12 JUDGE BEGLEY: Good morning. And who is on
13 the line for Patent Owner Summit 6?

14 MR. AYERS: Peter Ayers, Your Honor.

15 JUDGE BEGLEY: Is there anyone else on the
16 line?

17 MR. AYERS: Yes. With me is John Shumaker
18 and Reid Johnson also of Lee & Hayes.

19 JUDGE BEGLEY: Thank you. And I believe we
20 have a court reporter on the line. Which party
21 provided the court reporter?

22 MR. MORLOCK: Your Honor, that was
23 Petitioner Google. We provided the court reporter.

24 JUDGE BEGLEY: Mr. Morlock, can I have a
25 copy of the transcript filed when it becomes

1 available, please.

2 MR. MORLOCK: Yes, Your Honor

3 JUDGE BEGLEY: Thank you. We scheduled the
4 call to discuss Petitioner's request to have Patent
5 Owner's motions for observation expunged. Because
6 Petitioner requested the call and is seeking the
7 relief, we'll start by hearing from Petitioner.

8 Petitioner, can you begin by explaining
9 your position regarding why the motions should be
10 expunged.

11 MR. MORLOCK: Yes, Your Honor. This is
12 Michael Morlock for Petitioner Google.

13 Our reason that these motions for
14 observation should be expunged is that they're not in
15 compliance with the Board's guidelines.

16 Outlined in Polaris Wireless v.
17 TruePosition, IPR 2013-00323, motions for observation
18 should not contain arguments. They're not an
19 opportunity to raise new issues or re-argue issues.
20 The explanation of relevance should not be an
21 elaborator argumentative. In most instances, the
22 pertinent cross-examination should be reproduced.

23 Here, we think, on its face, these two
24 motions for observation are noncompliant. There is
25 repeated arguments throughout, including headings that

1 are argumentative, summaries of relevance that are
2 argumentative, and multiple pages of transcripts that
3 are paraphrased. And we believe that while that's
4 improper, the paraphrasing also mischaracterizes the
5 testimony which is improper.

6 Your Honor, I have provided a couple of
7 examples to Patent Owner, and I'm happy to walk
8 through those specific examples if that will be
9 helpful to the Board.

10 JUDGE BEGLEY: That would be helpful.

11 MR. MORLOCK: Okay. The first example is
12 paragraph 11 of the motions for observation. The
13 statement of relevance here is, and I quote: It is
14 relevant because Dr. Frazier misinterpreted the
15 figures used to form the basis of his opinion
16 rendering his opinion illusory.

17 Your Honor, we think that stating that this
18 witness misinterpreted figures and that his opinion is
19 illusory is, on its face, argumentative. And that is
20 improper under the Board's rule.

21 Further, on paragraph 11, this paragraph
22 paraphrases five pages of deposition transcript.
23 Those are pages 95, line 5, through page 99, line 4.
24 I invite the Board to review those pages of testimony.

25 And what I think you will see is that in

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