

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

GOOGLE INC. and SAMSUNG ELECTRONICS CO., LTD.,  
Petitioner,

v.

SUMMIT 6 LLC,  
Patent Owner.

---

Case IPR2015-00806  
Patent 7,765,482 B2

Case IPR2015-00807  
Patent 8,612,515 B2

---

Held: May 18, 2016

---

BEFORE: HOWARD B. BLANKENSHIP, GEORGIANNA W. BRADEN, and KERRY BEGLEY, *Administrative Patent Judges*.

The above-entitled matter came on for hearing on Wednesday, May 18, 2016, commencing at 1:02 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

Case IPR2015-00806, Patent 7,765,482 B2  
Case IPR2015-00807, Patent 8,612,515 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER GOOGLE INC.:

JOHN C. ALEMANNI, ESQUIRE  
MICHAEL MORLOCK, ESQUIRE  
Kilpatrick, Townsend & Stockton, LLP  
1001 West Fourth Street  
Winston Salem, North Carolina 27101

ON BEHALF OF THE PETITIONER SAMSUNG  
ELECTRONICS CO., LTD.:

BRIAN K. ERICKSON, ESQUIRE  
DLA Piper, LLP  
401 Congress Avenue, Suite 2500  
Austin, Texas 78701

ON BEHALF OF PATENT OWNER:

PETER AYERS, ESQUIRE  
JOHN M. SHUMAKER, Ph.D., ESQUIRE  
Lee & Hayes  
11501 Alterra Parkway  
Suite 450  
Austin, Texas 78758

1 PROCEEDINGS

2 - - - - -

3 JUDGE BLANKENSHIP: This is a hearing for  
4 IPR2015-00806 and 807, Google Inc. against Summit 6. Who do  
5 we have here for petitioner?

6 MR. ALEMANNI: Good afternoon. My name is John  
7 Alemanni. I'm with Kilpatrick Townsend & Stockton here on  
8 behalf of petitioner, Google. With me at the table is Michael  
9 Morlock --

10 JUDGE BRADEN: Can I ask you to please step up to  
11 the podium. I'm located remotely. So I can't hear you unless you  
12 are at the speaker.

13 MR. ALEMANNI: Absolutely. Again, my name is  
14 John Alemanni. I'm here on behalf of the petitioner, Google, in  
15 this proceeding. With me at the table is Michael Morlock, also  
16 with Kilpatrick, also here on behalf of Google. Seated behind is  
17 Brian Erickson, DLA Piper, here on behalf of Samsung. The  
18 proceedings were merged or joined late in the proceeding. Also  
19 behind me is Nita Gray with our firm. She is going to be helping  
20 me today with the demonstratives and exhibits.

21 JUDGE BLANKENSHIP: All right. Thank you. Who  
22 do we have for patent owner?

23 MR. AYERS: Good afternoon, Your Honors. Peter  
24 Ayers and John Shumaker from Lee & Hayes on behalf of the  
25 patent owner, Summit 6.

1 JUDGE BEGLEY: Just for clarity of the transcript, I  
2 wanted to clarify that Samsung is only a petitioner in the 806  
3 case.

4 MR. ALEMANNI: That's correct.

5 JUDGE BLANKENSHIP: Petitioner, you have  
6 60 minutes, including your rebuttal time, if you want to reserve  
7 that. And you can begin whenever you are ready.

8 MR. ALEMANNI: Thank you, Your Honor. I would  
9 like to reserve rebuttal time. I anticipate that our opening will run  
10 35 to 40 minutes. I would like to reserve whatever time we have  
11 left for rebuttal.

12 JUDGE BLANKENSHIP: All right.

13 MR. ALEMANNI: Whenever you are ready, I can  
14 begin.

15 JUDGE BLANKENSHIP: When you are ready.

16 MR. ALEMANNI: The patents at issue in this  
17 proceeding are invalid. They merely recite a known process.  
18 And that process is clearly disclosed and rendered obvious by the  
19 combinations that were instituted in these IPRs.

20 Patent owner has proffered alleged evidence of  
21 secondary consideration, but there is no nexus between that  
22 evidence and the claim elements. Further, to the extent that any  
23 of that evidence is evidence of secondary considerations or might  
24 be considered such, it doesn't reach the level that it needs to, to  
25 qualify as secondary considerations. And finally, even if they

1 were to be able to show secondary considerations, it's not enough  
2 to overcome the strong case of obviousness in this case.

3 Let me move to slide 2, please. So these are the  
4 instituted grounds. The only thing I'll note about this, it's for the  
5 '482 and the '515 patents. I'll note that patent owner has not  
6 separately argued the patentability of any of the dependent  
7 claims.

8 With that I'll move to the patent. Can you bring up  
9 Exhibit 1001, please. So there are two patents at issue, but they  
10 essentially share the specification. This is the '482 patent that's  
11 Exhibit 1001, 806 proceeding. Let's go to column 1, lines 48 to  
12 52. I want to give a little background of the patent. So this is the  
13 background of the patent. This gives a little context to what  
14 patent owner was trying to do, what the applicants were doing.  
15 Highlight the second paragraph or actually where it says A in the  
16 second paragraph around line 48, please, just through the next  
17 four lines. Thank you.

18 So I'm starting at line 48 in column 1. What they said is  
19 there's a company out there named Caught in the Web. Again,  
20 this is the background of the patent. That company has attempted  
21 to create a broad-base media submission tool known as  
22 ActiveUpload. And what is it that they looked at and saw in  
23 ActiveUpload? They saw a tool where a file could be dragged  
24 and dropped into a web page on a client device, a web page, and  
25 it would automatically be uploaded to a web server. They saw

# 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.