

RECORD OF ORAL HEARING

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,

Petitioner

v.

OPENTV, INC.,

Patent Owner.

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Case IPR2015-01031  
Patent 7,900,229 B2

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Oral Hearing Held: June 21, 2016

Before: JAMES B. ARPIN, DAVID McKONE (via videoconference), and  
SCOTT C. MOORE, Administrative Patent Judges.

The above entitled matter came on for hearing on Tuesday, June 21, 2016, at  
the Byron Rogers Federal Building, 1961 Stout Street, 14th Floor, Denver,  
Colorado, at 1:15 p.m.

APPEARANCES:

ON BEHALF OF PETITIONER, APPLE INC.:

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ON BEHALF OF PATENT OWNER, OPENTV, INC.:

ERIKA H. ARNER, ESQ.  
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1 P R O C E E D I N G S

2 (1:15 p.m.)

3 JUDGE MOORE: Good afternoon, Counsel.  
4 We will hear arguments now in Case No. IPR2015-01031,  
5 Apple Inc., Petitioner, vs. OpenTV, Inc., Patent Owner,  
6 concerning U.S. Patent No. 7,900,229 B2.

7 Counsel for both parties, please step up to  
8 the lectern and introduce yourselves, starting with  
9 Petitioner.

10 MS. HANSEN: Good afternoon, Your  
11 Honors. Melody Drummond Hansen for Apple Inc. And if  
12 it is acceptable to Your Honors, with me at counsel table  
13 is an attorney who is not of record, Clarence Rowland.

14 JUDGE MOORE: Any objection, Patent  
15 Owner?

16 MS. ARNER: No.

17 JUDGE MOORE: Okay. Thank you.

18 MS. ARNER: I'm Erika Arner. I'm lead  
19 counsel for the Patent Owner, OpenTV. I'm joined at  
20 counsel table by Cory Bell, also of my firm, Finnegan.  
21 And in the room, we have Bill Goldman, who is a  
22 representative of the Patent Owner, OpenTV. In the  
23 overflow room, we have backup counsel, Joshua Goldberg  
24 and Dan Tucker, as well as another OpenTV  
25 representative, Brian Platt.

1 JUDGE MOORE: Okay. Thank you.

2 This morning, before the first hearing, I  
3 gave a series of instructions and admonitions to counsel  
4 regarding such things as the use of laptops in the hearing  
5 room, the importance of speaking to the camera, so that  
6 Judge McKone can see you, speaking at the lectern, so  
7 that he can hear you, as well as instructions on how the  
8 hearing will proceed and how to present objections.

9 Did counsel for both parties hear and  
10 understand those instructions? Start with Petitioner.

11 MS. HANSEN: Yes, Your Honor.

12 JUDGE MOORE: Patent Owner?

13 MS. ARNER: Yes. Thank you.

14 JUDGE MOORE: Okay. Thank you.

15 Those instructions will also apply during this hearing.

16 As we mentioned before, pursuant to our  
17 scheduling order, each party is going to have 30 minutes  
18 to present its arguments. We will begin with Petitioner.  
19 Petitioner may reserve rebuttal time if it desires to do so.

20 We'll then proceed with Patent Owner's  
21 arguments. Patent Owner will present all of its argument  
22 and will not be able to reserve rebuttal time because there  
23 are no motions pending or other matters for which Patent  
24 Owner bears the burden of proof.

1                   Once Patent Owner has completed its  
2 arguments, Petitioner will continue with rebuttal time if it  
3 has reserved such time. But once again, rebuttal  
4 arguments are strictly limited to the scope of Patent  
5 Owner's arguments.

6                   And with that being said, Counsel for  
7 Petitioner, please proceed when you're ready.

8                   MS. HANSEN: Thank you, Your Honor.  
9                   If it pleases you, I'll step forward to give  
10 you copies of the demonstratives.

11                  JUDGE MOORE: You may proceed.

12                  MS. HANSEN: Thank you.

13                  JUDGE ARPIN: Thank you.

14                  JUDGE MOORE: Thank you.

15                  MS. HANSEN: Thank you. And a copy  
16 also has been provided to the court reporter.

17                  JUDGE MOORE: Thank you.

18                  Would you like to reserve any rebuttal  
19 time?

20                  MS. HANSEN: Yes, Your Honor. Ten  
21 minutes, please.

22                  JUDGE MOORE: Okay. Ten minutes.

23                  MS. HANSEN: This presentation will  
24 focus on the issues that were disputed based on the  
25 briefing. If we could turn to Slide 17, please.

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