

In the Matter of:
RPX Corporation vs
Applications In Internet Time, LLC

April 23, 2019

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RPX Exhibit 1099
RPX v. AIT

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

3 Case IPR2015-01750

4 Patent 8,484,111 B2

5 Case IPR2015-10751, Case IPR2015-01752

6 Patent 7,356,482 B2

7 - - - - - x

8 RPX CORPORATION,

9 Petitioner,

10 v.

11 APPLICATIONS IN INTERNET TIME, LLC,

12 Patent Owner.

13 - - - - - x

14 VIA TELEPHONE

15 Before The Honorable Mitchell Weatherly

16 The Honorable Lynne Pettigrew

17 The Honorable Jennifer Meyer Chagnon

18

19 Date: April 23, 2019

20

21 Time: 11:01 a.m. (EST)

22

23 Court Reporter: Daria L. Romano, RPR, CRR

24

1 A P P E A R A N C E S:

2
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1 P R O C E E D I N G S

2 JUDGE CHAGNON: This is a
3 conference call today for cases IPR2015-01750,
4 01751 and 07152.

5 Petitioner requested this conference
6 call as a prehearing conference to discuss
7 topics that the board was most interested in
8 hearing about at that hearing later this week.

9 Just initially, a little bit of
10 housekeeping for the hearing, I just want to
11 remind everybody that the hearing will be closed
12 to the public, just so we don't have to worry
13 about discussing confidential information during
14 the hearing.

15 So just a heads-up to everyone, I will
16 be asking counsel for both parties at the
17 hearing to confirm on the record that everyone
18 that's with them there in the room has
19 acknowledged the protective order and is
20 authorized to access the confidential
21 information. So just a heads-up on that, please
22 be prepared to confirm those things for us on
23 Thursday.

24 And do we foresee there being any

1 problems in that regard for either party?

2 MR. GIUNTA: Not for petitioner,
3 Your Honor.

4 MR. SEREBOFF: And not for the
5 patent owner.

6 JUDGE CHAGNON: Okay. Great.
7 Thank you. I just wanted to get that out of the
8 way in advance, if there were going to be any
9 issues.

10 So we're having this call to kind of
11 highlight the topics for discussion during the
12 hearing. I know these things are also addressed
13 in the recent briefing papers, but some of the
14 topics that we thought might be most helpful to
15 discuss at the hearing were, one, what is the
16 test that we should apply for determining
17 whether Salesforce is a real party in interest;
18 and similarly, what is the test we should apply
19 for privity.

20 Also, with respect to the privity
21 issue, we'd like to hear from the parties, you
22 know, is this issue waived, or does the Federal
23 Circuit remand decision instruct us that we must
24 consider privity, or if not, should we consider

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