

**PUBLIC VERSION**

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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RPX CORPORATION,  
Petitioner,

v.

APPLICATIONS IN INTERNET TIME, LLC,  
Patent Owner.

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Case IPR2015-01750 (Patent 8,484,111 B2)  
Case IPR2015-01751 (Patent 7,356,482 B2)  
Case IPR2015-01752 (Patent 7,356,482 B2)

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Record of Oral Hearing  
Held: April 25, 2019

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Before LYNNE E. PETTIGREW, MITCHELL G. WEATHERLY, and  
JENNIFER MEYER CHAGNON, *Administrative Patent Judges*.

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RPX Exhibit 1101  
RPX v. AIT

PUBLIC VERSION

IPR2015-01750 (Patent 8,484,111 B2)  
IPR2015-01751 (Patent 7,356,482 B2)  
IPR2015-01752 (Patent 7,356,482 B2)

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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The above-entitled matter came on for hearing on Thursday, April 25, 2019, commencing at 1:00 p.m. at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

PUBLIC VERSION

IPR2015-01750 (Patent 8,484,111 B2)  
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PROCEEDINGS

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1:00 p.m.

JUDGE CHAGNON: Please be seated. Good afternoon, everybody. I am Judge Chagnon, and I'm joined in the room today by Judge Weatherly, and I'll wait until Judge Pettigrew gets on the screen. There she is. She's joining us remotely today.

This is a hearing for three IPR proceedings; IPR2015-01750, -01751, and -01752 on remand from the Federal Circuit. The parties involved are Petitioner, RPX Corporation, and Patent Owner, Applications in Internet Time, LLC.

So, counsel, in a moment I'll have you step to the podium to introduce yourselves, and let us know who'll be presenting today. But I just want to remind everybody the hearing is closed to the public, so I also -- when you're at the podium to introduce yourself, please go ahead and introduce everyone else that's here with you today. And just confirm that they are authorized to access the confidential information that is in the case. So, Petitioner, you can go ahead first.

MR. GIUNTA: Thank you, Your Honors. Good afternoon. I'm Rich Giunta from Wolf, Greenfield for the Petitioner, RPX. I'm joined

PUBLIC VERSION

IPR2015-01750 (Patent 8,484,111 B2)  
IPR2015-01751 (Patent 7,356,482 B2)  
IPR2015-01752 (Patent 7,356,482 B2)

1 today by my colleagues, Elisabeth Hunt and Randy Pritzker. And we're  
2 also joined by Steve Chiang who is the Vice President and Chief IP officer  
3 at RPX. And all of us have signed a protective order.

4 JUDGE CHAGNON: Okay, thank you.

5 MR. GIUNTA: And I'll be presenting.

6 MR. SEREBOFF: Good afternoon, Your Honors. Steve Sereboff  
7 for Patent Owner, Applications in Internet Time. I'm alone today.

8 JUDGE CHAGNON: Thank you.

9 MR. SEREBOFF: So I'll be presenting.

10 JUDGE CHAGNON: All right, as per the hearing order, each party  
11 has 45 minutes to present arguments today. The issue on remand is limited  
12 to the question of whether Salesforce is a real party in interest and/or privy  
13 of Petitioner, therefore causing the petition to potentially be time-barred  
14 under 35 USC 315(b). Petitioner bears the burden on this issue, so will  
15 present first, followed by Patent Owner. And the Petitioner may reserve up  
16 to half your time to rebut any issues raised during Patent Owner's  
17 presentation.

18 Just another note that because Judge Pettigrew is remote, she cannot  
19 see the screen here in the room. So just make sure you identify the slide  
20 that you are presenting, so she can follow along. And remember also to

PUBLIC VERSION

IPR2015-01750 (Patent 8,484,111 B2)  
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1 stay at the podium so she can hear you from the microphone. And lastly, if  
2 either party believes the other party is presenting an argument that's  
3 improper for any reason, I would ask that you not interrupt, but just please  
4 bring that up during your own presentation time. Are there any questions  
5 before we get started today?

6 MR. GIUNTA: No, Your Honor.

7 JUDGE CHAGNON: All right. Mr. Giunta, did you want to  
8 reserve time today?

9 MR. GIUNTA: Yes, Your Honor. Fifteen minutes, please.

10 JUDGE CHAGNON: All right. You can get started whenever  
11 you're ready.

12 MR. GIUNTA: Thank you, Your Honors. So we plan to begin  
13 with the law to first establish what would you require to find that Salesforce  
14 is an RPI or privy, and then discuss the relevant evidence discussing that  
15 Salesforce is neither.

16 Slide two. So AIT alleges that under the Federal Circuit – a test the  
17 Federal Circuit announcement. Salesforce is an RPI or Salesforce benefits  
18 from these IPRs and has a relationship with RPX. While AIT purports to  
19 analyze whether Salesforce is a beneficiary, AIT merely argues that  
20 Salesforce benefits from these IPRs.

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