

PUBLIC VERSION

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RPX CORPORATION,
Petitioner,

v.

APPLICATIONS IN INTERNET TIME, LLC,
Patent Owner.

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

Record of Oral Hearing
Held: April 25, 2019

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

PUBLIC VERSION

RPX Exhibit 1101
RPX v. AIT

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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.

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1 PROCEEDINGS

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3 1:00 p.m.

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

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

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

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

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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

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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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