

RECORD OF ORAL HEARING

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SYMANTEC CORP. and BLUE COAT SYSTEMS, INC.,

Petitioner,

v.

FINJAN, INC.,

Patent Owner.

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Case IPR2015-01892 and IPR2016-00890

Patent 8,677,494 B2

Technology Center 2400

Oral Hearing Held: Friday, December 16, 2016

Before: JAMES B. ARPIN (via video link), and ZHENYU YANG, and CHARLES J. BOUDREAU (via video link), Administrative Patent Judges.

The above-entitled matter came on for hearing on Friday, December 16, 2016, at 1:00 p.m., Hearing Room A, taken at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

REPORTED BY RAYMOND G. BRYNTESON, RMR, CRR,

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P R O C E E D I N G S

(1:00 p.m.)

JUDGE BOUDREAU: Good afternoon, everyone.

This is the oral hearing in case IPR2015-01892, captioned Symantec Corporation versus Finjan, Incorporated, to which case IPR2016-00890, captioned Blue Coat Systems, Incorporated versus Finjan, Incorporated has been joined.

I'm Judge Boudreau, appearing from California. There in Virginia you are joined by Judge Yang, and you should see Judge Arpin on another screen there appearing from Colorado.

Because of the limitations on our audio technology Judge Arpin and I will only be able to hear you when you are at the podium, so we ask that any time you are speaking, please go to the podium and remain there.

Let's have each counsel come up and enter an appearance and state your names for the record. We will start with counsel for Petitioner, please.

MR. RICHETTI: Good afternoon, Your Honors. Joseph Richetti from Bryan Cave on behalf of Petitioner. With me is my associate, Alex Walden.

There is also counsel for Blue Coat as well, Your Honors.

1           MR. HANNAH: Good afternoon, Your Honors.  
2 James Hannah from Kramer Levin representing Finjan. And  
3 with me is Michael Lee.

4           We also have Jeff Price. And Dr. Medvidovic is  
5 also here if there are any questions for him during the  
6 proceeding.

7           JUDGE YANG: Okay. Welcome to all.

8           JUDGE BOUDREAU: Thank you, counsel. Now,  
9 we set out the procedure for today's hearing in our Revised  
10 Hearing Order, which was Paper 50, but I will just take a few  
11 minutes to remind you of how to proceed.

12           Petitioner and Patent Owner will each have 30  
13 minutes of total time today to present their arguments. And  
14 Petitioner will go first, present its case regarding the  
15 challenged claims of the '494 patent and may reserve time for  
16 rebuttal. Patent Owner may then respond to Petitioner's  
17 presentation.

18           The fundamental rule governing our hearings is  
19 that the party bearing the burden of persuasion on any issue  
20 may speak last on that issue. So Petitioner will have the  
21 opportunity to use any reserved rebuttal time to respond to  
22 Patent Owner's arguments.

23           Also, because Patent Owner has filed a Motion to  
24 Exclude Evidence in this case, which was Paper 41, and a  
25 Motion for Observation on Cross-Examination of Petitioner's

1 declarant, Jack Davidson, that was Paper 42, Patent Owner  
2 may also discuss both of those motions during its time. And  
3 Petitioner may use a portion of its rebuttal time to respond to  
4 Patent Owner's arguments regarding those motions.

5 But as stressed in the Hearing Order, Petitioner ay  
6 only respond if Patent Owner actually raises those during its  
7 presentation.

8 Just a few other points before we begin. First,  
9 keep in mind that although I believe that you both requested  
10 overhead projectors, Judge Arpin and I can't actually see the  
11 screen from our remote locations. We both have copies of all  
12 of the demonstratives and all of the papers in the case, so if  
13 you are using the screen for Judge Yang's benefit, and you are  
14 referring to any specific slide or figure in your  
15 demonstratives, or any document in the record, we ask that  
16 you just call out the slide number, figure number, or the  
17 exhibit and page number so that the record is complete both in  
18 the transcript, and so Judge Arpin and I can remotely follow  
19 along.

20 Second, just as a common courtesy, if you believe  
21 that the other party is arguing -- is presenting a new argument  
22 in substance that wasn't presented in its briefs or if you have  
23 any other objections, we ask that you just please wait until  
24 your turn at the podium rather than interrupting opposing  
25 counsel.

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