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UNITED STATES PATENT AND TRADEMARK OFFICE
UNITED STATES PATENT TRIAL AND APPEAL BOARD

TWILIO, INC.,	:	
	:	
Petitioner,	:	
	:	
v.	:	IPR2016-00450
	:	
TELESIGN CORPORATION,	:	and
	:	
Patent Owner.	:	IPR2016-00451
	:	

The telephonic conference in the above-entitled matter convened at 1:31 p.m. on Thursday, May 19, 2016, and the proceedings being taken down by stenotype and transcribed by Catherine B. Crump, a Notary Public in and for the District of Columbia.

BEFORE:

HON. KIMBERLY MCGRAW

HON. SALLY MEDLEY

HON. JUSTIN ARBES

Patent Trial and Appeal Board Judges

1 APPEARANCES: (Telephonically)

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

2 JUDGE McGRAW: This is Judge McGraw on the
3 line. With me is Judge Medley and Judge Arbes for
4 the conference call for IPR2016-00450 and
5 IPR2016-465, Twilio Corporation v. TeleSign
6 Corporation.

7 I would like to begin with a roll call. Who
8 is on the line on behalf of petitioner?

9 MR. DAVIS: For petitioner, you have Wayne
10 Stacy, lead counsel, and Britton Davis. I'll be
11 appearing as backup counsel for Twilio.

12 JUDGE McGRAW: Who is speaking? Mr. Davis?

13 MR. DAVIS: That's correct.

14 JUDGE McGRAW: And on behalf of patent owner?

15 MR. CAMACHO: Yes, Your Honor. This is Jesse
16 Camacho and Elena McFarland.

17 JUDGE McGRAW: So as I understand it, there
18 are two issues: First, Petitioner is seeking
19 permission to file a reply to address whether the
20 patent owner has met its burden to show patents at
21 issues or titles that claim priority to their parent.

22 This is the petitioner's issue. Petitioner,

1 do you want to quickly address your request?

2 MR. DAVIS: Yes. Thank you, Your Honor.

3 So this is Britton Davis, and really what we
4 would like is the board's guidance on how to deal
5 with the priority date issue that was raised in the
6 patent owner's preliminary response.

7 JUDGE McGRAW: Mr. Davis, I'm sorry to
8 interrupt you. I forgot to ask is there a court
9 reporter on the line?

10 MR. DAVIS: Yes, there is, on behalf of
11 Petitioner.

12 JUDGE McGRAW: Then I'd ask that you provide
13 a copy of the transcript of this proceeding when
14 possible.

15 MR. DAVIS: We would be happy to do so.

16 JUDGE McGRAW: And I'm sorry to interrupt.
17 Continue.

18 MR. DAVIS: No problem.

19 So what Petitioner would like is the board's
20 guidance on how to address the priority date issue
21 that was raised in the patent owner's preliminary
22 response and regarding the petitioned claims, ability

1 to claim priority back to the parent application.

2 We don't think that this issue needs to be
3 addressed at institution and it's properly decided in
4 the final written decision, but if the board is
5 inclined to deal with the issue at institution, we
6 would like to be able to file a short reply
7 addressing the legal requirements, the standard, and
8 the burden that Patent Owner must meet to show it's
9 entitled to the earlier priority date.

10 JUDGE McGRAW: Patent Owner, would you like
11 to comment?

12 MR. CAMACHO: Sure, Your Honor. This is
13 Jesse Camacho, and we did understand the petitioner's
14 request to be a request for a reply. So to help
15 confirm that we were looking at this correctly, we
16 looked and we identified -- I think there's about 108
17 cases that address a request for a petitioner to
18 reply to a preliminary response.

19 Fifty-one of those were granted, really only
20 about 30 because many of the cases were related. All
21 of those deal with threshold issues, things like
22 proper service, whether there's Section 315(b) time

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