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IPR2016-00718, Paper No. 43

July 13, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WHATSAPP, INC.,
Petitioner,

v.

TRIPLAY, INC.,
Patent Owner.

Case IPR2016-00717; IPR2016-00718
Patent 8,874,677B2

Record of Oral Hearing
Held: Monday, June 12, 2017

Before JOSIAH C. COCKS, BRIAN J. McNAMARA, and
FRANCIS L. IPPOLITO, Administrative Patent Judges

IPPOLITO, Administrative Patent Judge (Via videoconference)

The above-entitled matter came on for hearing on Monday, June 12,
2017, commencing at 1:05 p.m. at the U.S. Patent and Trademark Office,
600 Dulany Street, Alexandria, Virginia.

Case IPR2016-00717; IPR2016-00718
Patent 8,874,677B2

A P P E A R A N C E S

ON BEHALF OF PETITIONERS WHATSAPP INC. AND FACEBOOK,
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1 (The hearing began at 1:05 p.m.)

2

3 JUDGE COCKS: Good afternoon. Welcome to the
4 Board. Judge Ippolito will be presiding today. Please
5 direct your attention to her.

6 JUDGE IPPOLITO: Good afternoon. This is the
7 consolidated oral hearing in the cases of IPR2016-00717 and
8 IPR2016-00718. These proceedings both involve U.S. Patent
9 Number 8,874,677.

10 I'm Judge Ippolito, and with us today are Judges
11 Cocks and McNamara. As you can tell, some of us are
12 participating remotely today, so I will remind you all to
13 speak from the podium. Just make sure that all the judges
14 can hear you. And, also, please identify by slide number any
15 demonstratives you are referring to. Per our order, each
16 side will have 60 minutes of total time. Could I have,
17 beginning with Petitioner, the parties introduce themselves.

18 MR. WEINSTEIN: My name is Mark Weinstein with
19 Cooley, LLP, and with me is Heide Keefe, who is lead counsel.

20 JUDGE IPPOLITO: Thank you.

21 MR. WEIDER: Doug Weider from Greenberg Traurig. I
22 will arguing today. And with me is Barry Schindler, who is

1 lead counsel.

2 JUDGE IPPOLITO: Thank you. We will begin today
3 with the petitioner, who will present its case regarding the
4 challenged claims and the grounds on which we've instituted
5 trial. And then the patent owner will have an opportunity to
6 respond to the petitioner's argument. The petitioner is
7 entitled to reserve some time to rebut the argument presented
8 by the patent owner. Is everybody ready to begin?

9 MR. WEIDER: Yes, Your Honor.

10 MR. WEINSTEIN: Yes, Your Honor.

11 JUDGE IPPOLITO: Petitioner, go ahead.

12 MR. WEINSTEIN: Your Honor, can I request that we
13 reserve half of our time for rebuttal?

14 JUDGE IPPOLITO: Yes.

15 MR. WEINSTEIN: Thank you, Your Honor.

16 Your Honors, we're here today to discuss --

17 there's two grounds of obviousness with respect to the
18 patent, and they all revolve around the prior references --
19 Coulombe, Bellordre, and Friedman.

20 To introduce the combinations and explain what
21 secondary references are used for, I'm going to Demonstrative
22 Number 4 of the petitioner, which I also happen to have a

1 foam board here if you can see it.

2 Demonstrative Slide Number 4 shows a reproduction
3 of Figure 1 of Coulombe, and it gives you a good summary of
4 what Coulombe is about. Coulombe has a sender on the left
5 side of Figure 1 and a recipient on the right side. And the
6 sender in this case is sending the message to the registrar,
7 which is in the middle, which is essentially equivalent of
8 the server.

9 The message in Figure 1 has an image, which in
10 this case is a picture of a man, and the resolution is 480 by
11 640. What happens in Coulombe is that the message goes
12 through this box here, 20, called the "message adaptation
13 engine," and the message adaptation engine system is really
14 the key to the Coulombe system. What it does is it adapts
15 the message that is received from the sender based on
16 whatever the requirements are of the recipient device. For
17 example, if the recipient device is too small of a screen, it
18 can actually reduce the resolution of the image to
19 accommodate that. That's actually what's shown in Figure 1.
20 It's actually described from Paragraph 88 of Coulombe, this
21 exact adaptation.

22 So the question comes down to what's missing from

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