

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

PERSONALIZED MEDIA COMMUNICATIONS, INC.,
Patent Owner.

Case IPR2016-00754
Patent 8,559,635

Record of Oral Hearing
Held: June 6, 2017

Before KARL D. EASTHOM, TRENTON A. WARD, and GEORGIANNA
W. BRADEN, *Administrative Patent Judges*.

Case IPR2016-00754
Patent 8,559,635

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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ON BEHALF OF PATENT OWNER:

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The above-entitled matter came on for hearing on Tuesday, June 6, 2017, commencing at 9:00 a.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

P R O C E E D I N G S

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JUDGE WARD: Good morning. We are here this morning for oral argument in Case Numbers IPR2016-00754 and IPR2016-00755, in which Apple is the Petitioner and Personalized Media Communications, LLC, is the Patent Owner.

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Your Panel for the hearing today is my colleague, Judge Easthom, sitting here to my right, and myself, Judge Ward, and joining us from Dallas, Judge Braden. I understand our videoconferencing equipment is a little bit hindered today, but, Judge Braden, can you hear and see us clearly?

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JUDGE BRADEN: I can. Thank you.

11

JUDGE WARD: I would like to start with appearances of counsel, starting with Petitioner.

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MR. SERNEL: Your Honor, I am Mark Sernel on behalf of Apple, the Petitioner, and with me today is Mr. Joel Merkin, Mr. Alan Rabinowitz, and in-house counsel for Apple, Kim Moore.

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JUDGE WARD: Thank you, gentlemen.

17

Who do we have on behalf of Patent Owner?

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MR. KLINE: Your Honor, I'm Doug Kline for Patent Owner, PMC. With me is Phong Dinh, Charles Li, Jennifer Albert, Steve Schreiner, and in-house counsel, Tom Scott.

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JUDGE WARD: Thank you.

22

I would like to start with a few administrative details, essentially go over the format of the hearing today. Prior to our hearing, the parties agreed that 30 minutes of oral argument for each case, for each side, would be appropriate for this particular hearing today, and I understand that the

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1 Patent Owner is not going to be addressing its motions to amend in either
2 case.

3 Is that true, Mr. Kline?

4 MR. KLINE: That's correct, Your Honor. We are going to rest on
5 our papers on that motion.

6 JUDGE WARD: Thank you. Okay.

7 Petitioners, I want to ask you, have the parties reached an
8 agreement as to the order in which you would like to argue the cases today?
9 Essentially, do you want to argue them in combination or separate?

10 MR. SERNEL: I think the plan is to argue them separately, to go
11 with the '635 patent, the '754 proceeding first, and then subsequently deal
12 with the '091 patent, '755 proceeding.

13 JUDGE WARD: Mr. Kline, do you agree with that?

14 MR. KLINE: Yes, that's fine.

15 JUDGE WARD: Okay, great.

16 Okay. One administrative detail I want to mention to both parties
17 just to keep in mind, and I will oftentimes be reminding you of this probably
18 during the proceeding, but Judge Braden is going to be following along on
19 your demonstratives. We have received your demonstratives. She will be
20 following along, but we'll need you to reference specifically the particular
21 demonstrative slide that you're referencing so that Judge Braden can follow
22 along from Texas.

23 And additionally, Judge Braden will not be able to hear you clearly
24 unless you are at the microphone at the podium, so just make sure, to the

1 extent that you are giving us argument, that you are standing in front of that
2 microphone. That's all I have.

3 Any questions from the Petitioner?

4 MR. SERNEL: No, Your Honor.

5 JUDGE WARD: And Patent Owner?

6 MR. KLINE: No, Your Honor. Thank you.

7 JUDGE WARD: Petitioner, when you are ready, you may begin.
8 Do you wish to reserve some time for rebuttal on the '754 case?

9 MR. SERNEL: If I could reserve five minutes, Your Honor.

10 JUDGE WARD: Five minutes?

11 MR. SERNEL: I actually do have one questions. Would you like
12 hard-copy slides?

13 JUDGE WARD: Certainly. You may approach.

14 MR. SERNEL: Thank you. I will hand up just the '635 patent
15 ones first.

16 JUDGE WARD: So, Mr. Sernel, I am going to put up 25 minutes
17 up on our fancy NBA shot clock.

18 MR. SERNEL: I was going to say, I hadn't seen the shot clock
19 previously. Thank you.

20 JUDGE WARD: So I will try to keep time there for you;
21 otherwise, I will just be doing it with old-school pen and paper.

22 You may begin when you are ready.

23 MR. SERNEL: Thank you. May it please the Court, Mark Sernel
24 on behalf of Apple, the Petitioner.

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