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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION

Petitioner,

v.

WINDY CITY INNOVATIONS, LLC.

Patent Owner.

Case IPR2016-01141
Patent 8,458,245 B1

Heard before Judges Karl Easthom, David McKone, John Lee

DATE: February 28, 2017
TIME: 10:01 a.m. to 10:26 a.m.
PLACE: Via conference call
BEFORE: Dawn A. Hillier, RMR, CRR, CLR
Notary Public, State of
Florida at Large

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

2 JUDGE LEE: Good morning. This is Judge Lee.
3 Also with me are Judges Easthom and McKone. Are
4 the parties on the line?

5 MR. SIEGEL: Yes, your Honor.

6 MR. MICALLEF: Yes.

7 JUDGE LEE: If you could make your
8 appearances, that would be appreciated. Let's
9 start with counsel for the petitioner.

10 MR. SIEGEL: Good morning, your Honor. This
11 is Todd Siegel from Klarquist Sparkman,
12 representing the petitioner Microsoft, and I have
13 co-counsel from Sidley Austin on the line. I will
14 let them introduce themselves.

15 MR. MICALLEF: Good morning, your Honor. This
16 is Joe Micallef from Sidley for petitioner, and
17 with me is my colleague, Sam Dillon.

18 MR. LAMBRIANAKOS: Good morning, your Honor,
19 this is Peter Lambrianakos from Brown Rudnick,
20 counsel for patent owner, and with me today is
21 Vincent Rubino of our firm.

22 MR. RUBINO: Morning, your Honors.

Transcript of PTAB Conference Call
Conducted on February 28, 2017

4

1 JUDGE LEE: Good morning, gentleman. Is there
2 a court reporter on the line for either party?

3 COURT REPORTER: Yes, sir. Yes, sir. This is
4 Dawn Hillier, the court reporter.

5 JUDGE LEE: Good morning, Ms. Hillier.

6 COURT REPORTER: Good morning.

7 JUDGE LEE: Just reminding the parties that at
8 the conclusion of the call, a copy of the
9 transcript of the call should be filed in each of
10 the relevant cases as soon as it is practicable.

11 MR. SIEGEL: Yes.

12 JUDGE LEE: So we're here today in reference
13 to a request by counsel for petitioner regarding
14 the deposition of Robert Stein. Mr. Siegel, are
15 you going to do the presentation this morning?

16 MR. SIEGEL: Yes, your Honor.

17 JUDGE LEE: You may proceed. And just so you
18 know, you're a little bit faint, at least. At
19 least to me. So if you could speak up a bit.

20 MR. SIEGEL: I'll do my best.

21 JUDGE LEE: We will appreciate it.

22 MR. SIEGEL: I'm in a conference room on a

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1 speaker phone.

2 So the major DBS system operations manual is
3 the primary prior art reference relied upon by
4 petitioner in these proceedings. It's over 400
5 pages. And petitioner used it, mapped it against
6 most of the claim elements of the challenged
7 claims.

8 The author is Robert Stein and he submitted a
9 short declaration providing facts to authenticate
10 and prove the public availability of the document,
11 and patent owner is taking his deposition tomorrow.
12 And as a result of what transpired at two other
13 depositions last week in this matter, we inquired
14 with the patent owner about the proper scope of the
15 deposition of Mr. Stein tomorrow. And patent owner
16 indicated that it intends to probe the full scope
17 of his declaration, including the contents of each
18 paragraph and the documents he attaches.

19 And so that -- so we're concerned that this
20 deposition could turn into a fishing expedition
21 that goes beyond the scope of Mr. Stein's limited
22 declaration. And, I mean, what really -- what

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