

1 UNITED STATES PATENT AND TRADEMARK OFFICE

2 BEFORE THE PATENT TRIAL AND APPEAL BOARD

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4 MICROSOFT CORPORATION, :

5 MICROSOFT MOBILE INC., :

6 SAMSUNG ELECTRONICS AMERICA, : Case No.

7 INC., and SAMSUNG : IPR2016-01179

8 ELECTRONICS CO. LTD., :

9 Petitioners, :

10 v. :

11 FASTVDO LLC, :

12 Patent Owner. :

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Monday, July 10, 2017

16

Telephone Conference before Judges Jeffrey S.

18 Smith, Patrick M. Boucher, and Peter P. Chen in the

19 above-entitled matter, commencing at 3:00 p.m., the

20 proceedings taken down by Stenotype by JESSICA CROXFORD, RPR,

21 and transcribed under her direction.

22

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

2 JUDGE SMITH: Good afternoon. This is Judge Smith
3 of the Patent Trial and Appeal Board. With me on the line
4 are Judges Chen and Boucher. We're here for a conference
5 call in an IPR2016-01179, Samsung Electronics v. FASTVDO,
6 LLC.

7 Would counsel for petitioner please state you
8 appearance.

9 MR. TODDY: Hello, Your Honor. This is
10 David Toddy, lead counsel for petitioners, Samsung
11 petitioners. On the phone with me also is Garth Winn, backup
12 counsel.

13 JUDGE SMITH: Thank you, Mr. Toddy. Is that it,
14 you and Mr. Winn?

15 MR. TODDY: That's correct, Your Honor.

16 THE REPORTER: And, also, the court reporter,
17 Jessica Croxford, from Alderson Court Reporting. I'm here as
18 well.

19 JUDGE SMITH: The court reporter. Okay. Could
20 you please spell your name and identify the court reporting
21 service?

22 THE REPORTER: Sure. It's Jessica Croxford.

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1 J-E-S-S-I-C-A, last name C-R-O-X-F-O-R-D with Alderson,
2 A-L-D-E-R-S-O-N, Court Reporting.

3 JUDGE SMITH: Thank you. Would counsel for patent
4 owner please state your appearance.

5 MR. HELGE: Good afternoon, Your Honor.
6 Wayne Helge here for the patent owner. And, Your Honor, with
7 me on the phone here is Walter Davis. Mr. Davis is the
8 backup counsel in this case as well.

9 JUDGE SMITH: Thank you. And that's it on your
10 end, patent owner?

11 MR. HELGE: Yes, Your Honor. And, Your Honor, we
12 coordinated the -- or scheduled the court reporter, so we
13 will have the transcript available for filing, if the Board
14 so desires.

15 JUDGE SMITH: Okay. Thank you.

16 Patent owner has requested this call to discuss
17 what it contends are new issues and evidence raised in the
18 petitioners' reply.

19 Oh, yeah. Just before we get started, we do want
20 the transcript filed.

21 MR. HELGE: Certainly, Your Honor.

22 JUDGE SMITH: Okay. The parties have conferred,

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1 and petitioner intends to oppose patent owner's request.

2 Patent owner, you've requested this call. Please
3 tell us what your position is on this issue.

4 MR. HELGE: Thank you, Your Honor.

5 Your Honor, patent owner requested this call. As
6 we reviewed petitioners' reply, we saw items that we believe
7 constitutes new arguments, raised new issues. And -- and, in
8 particular, what I can point you to, I think more
9 specifically that may be the easiest for the Board to see, is
10 they're relying on new evidence.

11 The portion that we believe constitutes new
12 arguments and raises new issues begins -- it's the middle of
13 page 18. It's the paragraph beginning with the word
14 "additionally." And it runs -- the new arguments run through
15 the bottom of page 21. The points that I think are perhaps
16 the easiest for the Board to see occur on page 19 and 20 of
17 the reply.

18 Each of these pages, the petitioner points to
19 Exhibit 2006, pages 137, line 7 through 139, line 1.
20 Exhibit 2006 is the deposition testimony of Dr. Stevenson.
21 Now, that is petitioners' expert. I deposed him -- I believe
22 it was sometime back in March before our response was filed

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