

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

YMAX CORPORATION
Petitioner,

v.

FOCAL IP, LLC,
Patent Owner.

Case IPR2016-01256 (Patent 8,155,298)
Case IPR2016-01258 (Patent 7,764,777)
Case IPR2016-01260 (Patent 8,457,113 B2)

Record of Oral Hearing
Held: September 19, 2017

Before SALLY C. MEDLEY, JONI Y. CHANG, and BARBARA A.
PARVIS, *Administrative Patent Judges*.

Case IPR2016-01256 (Patent 8,155,298)
Case IPR2016-01258 (Patent 7,764,777)
Case IPR2016-01260 (Patent 8,457,113 B2)

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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The above-entitled matter came on for hearing Tuesday,
September 19, 2017, commencing at the U.S. Patent and Trademark
Office, 600 Dulany Street, Alexandria, Virginia.

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1 PROCEEDINGS

2 JUDGE PARVIS: Good morning. This is an oral argument in
3 IPR2016-01254 and IPR2016-01256 through IPR2016-01263.
4 Challenged patents are U.S. patent numbers 7,764,777 B2; 8,155,298 B2;
5 and 8,457,113 B2.

6 Petitioners are Bright House Networks, LLC; WideOpenWest
7 Finance, LLC; Knology of Florida, Incorporated; and Birch
8 Communications in IPR2016-01259, 01261, 01262, and 01263.

9 YMAX Corporation is the petitioner in the 2016-01256, 01258 and
10 01260. Cisco Systems, Inc, is the petitioner in IPR2016-01254 and
11 12057.

12 Patent owner in all proceedings is Focal IP, LLC. A complete list
13 of the inter partes review numbers and the corresponding patents is
14 provided in the appendix of our oral curing order which is paper number
15 47 in IPR2016-01254.

16 I am the administrative patent judge Barbara Parvis. Judges
17 Medley and Chang are on the right and left respectively.

18 At this time we would like counsel to introduce yourselves your
19 partners and your guests starting with petitioner. Please use the
20 microphone.

21 MR. RICHETTI: Good morning, Your Honors. This is Joseph
22 Richetti from Bryan Cave representing YMAX. With me is my
23 colleague, Alexander Walden from Bryan Cave.

24 Just to mention just for the record, Your Honor, we're having a
25 little bit of a difficulty connecting to the screen.

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1 JUDGE PARVIS: You are having problems with the
2 demonstrative slides, the projector.

3 MR. RICHETTI: Yeah.

4 MR. BUMGARDNER: Good morning, Your Honor. Brent
5 Bumgardner of Nelson Bumgardner for the patent owner. With me is
6 Thomas Cecil, John Murphy, Barry Bumgardner. Also Vic Siber and
7 Hanna Madbak.

8 JUDGE PARVIS: We'll go through some ground rules this
9 morning first, and I'll lay out also the schedule for the full day.

10 Before we begin we want to remind the parties that the hearing is
11 open to the public, and a full transcript will become part of the record.
12 Also, please keep in mind that whatever is projected on the screen or the
13 Elmo will not be viewable for anyone reading the transcript. When you
14 refer to a demonstrative slide or other document on the screen, please
15 state in the microphone information to identify the document that you are
16 referring to, such as Petitioner's demonstratives and the slide number or
17 the exhibit number and the page of the exhibit.

18 As you know from our oral hearing order of September 1st, 2017,
19 each of petitioner YMAX Corporation and patent owner Focal, IP, LLC,
20 will have one hour to present its arguments for inter partes reviews
21 IPR2016-01256, IPR2016-01258, and IPR2016-01260. The parties will
22 then be given a one-hour break starting at 12:00 p.m. Eastern time.

23 There's a slight shift from our order for the afternoon schedule.
24 After the hearing resumes at 1:00 p.m. Eastern time, we will proceed
25 with the oral argument in IPR 2016-01259 and IPR2016-01261 through

Case IPR2016-01256 (Patent 8,155,298)
Case IPR2016-01258 (Patent 7,764,777)
Case IPR2016-01260 (Patent 8,457,113 B2)

1 01263. Each side will have one hour to present its arguments for those
2 inter partes reviews. Those IPRs relate to the same three challenged
3 patents.

4 As a reminder, Bright House Networks, LLC, WideOpenWest
5 Finance, LLC; Knology of Florida, Incorporated and Birch
6 Communications jointly filed petitions in IPR2016-01259 and IPR2016-
7 01261 through 01263 and will be expected to speak with one voice.

8 Then we will proceed with the oral argument in IPR2016-01254
9 and 01257. That oral argument relates to the challenges to U.S. Patent
10 No. 8,457,113 B2. Each of petitioner Cisco Systems, Incorporated and
11 patent owner Focal IP, LLC, will have 30 minutes total to present its
12 arguments.

13 In each of the oral arguments today, because petitioner has the
14 burden to show unpatentability of the claims, petitioner will proceed first,
15 followed by the patent owner. Each petitioner will begin by presenting
16 its case regarding the challenged claims and the grounds for which the
17 Board instituted review in the proceedings. Patent owner will present its
18 rebuttal to petitioner's case and also will present its case regarding any
19 motions to amend. Petitioner may reserve some time for rebuttal to patent
20 owner's presentation, including patent owner's case regarding its motions
21 to amend. Patent owner may reserve some time, but only for rebuttal to
22 petitioner's presentation regarding patent owner's motions to amend.

23 For the record, in light of objections raised during the call on
24 Thursday, September 14th, 2017, on Friday, September 15th, 2017, we
25 issued an order. For example, paper 54 in IPR2016-01254 expunging

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