

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.,
Petitioner,

v.

REALTIME DATA LLC,
Patent Owner.

Case IPR2016-01365 (Patent 7,181,608 B2)
Case IPR2016-01366 (Patent 8,090,936 B2)

Record of Oral Hearing
Held: September 20, 2017

Before GEORGIANNA W. BRADEN, DEBRA STEPHENS, and
JASON J. CHUNG, *Administrative Patent Judges*.

Case IPR2016-01365 (Patent 7,181,608 B2)

Case IPR2016-01366 (Patent 8,090,936 B2)

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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The above-entitled matter came on for hearing on Wednesday, September 20, 2017, at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia, in Courtroom A, at 1:00 p.m.

1 PROCEEDINGS

2 JUDGE BRADEN: Good afternoon. We are convened
3 today for oral arguments in IPR 2016-01365, which challenges
4 U.S. Patent Number 7,181,608, and IPR 2016-01366, which
5 challenges U.S. Patent Number 8,090,936. I am Judge Braden.
6 Also appearing remote is Judge Stephens and our colleague in
7 the room there with you in Alexandria is Judge Chung.

8 As Judge Stephens and I are appearing via video,
9 we require counselors to speak directly into the microphone
10 at the podium when talking and to identify the specific slide
11 numbers when referring to demonstratives.

12 Now, each party has 45 minutes total time to argue
13 both cases as noted in the oral arguments' hearing order.
14 Each party is free to divide its time amongst the cases as it
15 chooses but must make clear at all times for purposes of the
16 transcript which cases it's discussing. Additionally, we ask
17 that if there are any objections, that the party holds their
18 objections until it is their time at the podium.

19 Petitioner, Apple, Inc., has the ultimate burden
20 of establishing unpatentability. Therefore, petitioner will
21 open the argument -- will open the hearing by presenting its
22 case regarding the alleged unpatentability of the challenged
23 claims. Petitioner may reserve rebuttal time. Thereafter,

1 Patent Owner Realtime Data LLC will respond to petitioner's
2 arguments.

3 Finally, petitioner may use any time it has
4 reserved for rebuttal to respond to patent owner's arguments.
5 On rebuttal, petitioner will be restricted to only those
6 matters raised by patent owner in its presentation. I will
7 maintain a clock and inform the parties when they have five
8 minutes left.

9 So, let's go ahead and get started with
10 appearances for both sides. We'll start with petitioner.

11 MR. RENNER: Good afternoon, your Honors. I'm
12 Karl Renner from Fish & Richardson. I'm here on behalf of
13 Apple. I'm joined by co-counsel Jeremy Monaldo and Andrew
14 Patrick and representation from Apple, James Wiley. Jeremy
15 will be presenting the direct today, your Honor.

16 JUDGE BRADEN: Thank you very much, counselor.
17 And for patent owner?

18 MR. ZHANG: Hi, your Honor. Richard Zhang of
19 Fisch Sigler on behalf of Realtime Data LLC. With me today
20 is Joe Edell, Alan Fisch and Bill Sigler. And Mr. Edell will
21 be presenting the direct. Thank you.

22 JUDGE BRADEN: Thank you, counselor.

23 All right. Petitioner, do you wish to reserve any

1 rebuttal time?

2 MR. MONALDO: Yes, your Honor. We'd like to
3 reserve approximately 15 minutes.

4 JUDGE BRADEN: All right. Very good. You may
5 begin your arguments when you are ready.

6 MR. MONALDO: May it please the board, my name is
7 Jeremy Monaldo from Fish & Richardson representing Apple as
8 petitioner. I'm joined by two of my colleagues, Karl Renner
9 and Andrew Patrick, as well as James Wiley from Apple.

10 Today we're here to discuss two IPR proceedings
11 involving two related patents, the '608 and '936 patents.
12 Our time together is limited, the record is substantial, but
13 I'll try to focus our discussion on just a narrow set of
14 disputed issues.

15 Moving to slide 2, you'll see that we've provided
16 a table of contents for our demonstratives. That's there to
17 provide convenient reference to the various sections.
18 Although we have two patents involved in these proceedings,
19 given the similarity of issues and the similarity of the
20 patents, we have not organized our demonstratives by patent
21 number but, instead, you'll see that we've organized and
22 provided you with a list of disputed issues, and we've
23 numbered those issues 1 through 6.

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