

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC.,
Petitioner,

v.

PLECTRUM LLC,
Patent Owner.

Case IPR2017-01430
Patent 5,978,951

Record of Oral Hearing
Held: August 2, 2018

Before KEN B. BARRETT, MIRIAM L. QUINN, and
SHEILA F. McSHANE, *Administrative Patent Judges*.

Case IPR2017-01430
Patent 5,978,951

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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ON BEHALF OF THE PATENT OWNER:

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The above-entitled matter came on for hearing on Thursday, August 2, 2018, commencing at 10 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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3 JUDGE McSHANE: Good morning. We are here this morning to
4 conduct an oral hearing in Unified Patents Inc. v. Plectrum, LLC. That's
5 IPR2017-01430. Can we have appearances, please.

6 MR. LEARY: Your Honor, my name is Matthew Leary. With me
7 I have Dave Cavanaugh on behalf of the petitioner, Unified Patents.

8 MR. PINCKNEY: Your Honor, Ryan Pinckney for patent owner,
9 Plectrum, LLC.

10 JUDGE McSHANE: Thank you. We included a general order of
11 the arguments for today's hearing in the trial hearing order. And to review,
12 petitioners will present their case or petitioner will present its case and will
13 have 45 minutes, and you may reserve rebuttal time. Patent owner will then
14 argue its opposition. You will have 45 minutes. And then petitioner can
15 come back and rebut its -- present any rebuttal in its remaining time.

16 A couple of reminders here, if you will, I don't know if you have
17 been here before, perhaps you have, but if you are using demonstratives,
18 please try to identify the page number you are on or the slide number you are
19 on. It helps the record, and also it helps our judge, in particular Judge Quinn
20 is in Dallas today, and she's attending remotely. So it helps her because
21 she's looking at paper copies of the demonstratives. If you could, please,
22 again, use the microphone, and that would help not only the court reporter,
23 but Judge Quinn as well. Please don't interrupt the other party if you have
24 objections. You can address your objections in your argument time. So just
25 hold fire on that.

1 One more thing. We received an e-mail on July 26, 2018, where
2 you stated that both parties had objections to the demonstratives. Are those
3 objections still standing?

4 MR. LEARY: Yes, Your Honor.

5 MR. PINCKNEY: Yes, Your Honor.

6 JUDGE McSHANE: So I'm just going to make a comment or two.
7 Let's start with the understanding that demonstratives are not evidence and
8 are used as visual aids only, and any arguments and evidence that are not in
9 the record will not be considered by the panel in rendering a final decision.
10 That said, we are going to decline to strike some of the demonstratives
11 today. We note that petitioner's objections to patent owner's demonstratives
12 are directed to alleged new improper arguments in the petitioner's reply, and
13 the objection there is that the assertions are late raised. Here the Board can
14 discern the appropriateness of the arguments when we are looking at them.

15 Patent owner objects to alleged new arguments in some of the
16 petitioner's demonstratives, and we note that some of the slides at issue
17 include figures that do not seem to appear in the record. If some of the
18 figures and arguments in the set are not in the record, they will be
19 disregarded. But again, the Board can discern the appropriateness of the
20 arguments and the evidence. Any questions on that?

21 MR. LEARY: No, Your Honor.

22 MR. PINCKNEY: No, Your Honor.

23 JUDGE McSHANE: Thank you. With that, we may proceed.
24 And petitioner, do you wish to reserve rebuttal time?

25 MR. LEARY: Yes, Your Honor, we expect to -- per your
26 instruction, let me get to the microphone. We expect to use about

1 35 minutes for our principal presentation. And if it's okay with the Board,
2 we would like to reserve the final 10 minutes for rebuttal and possibly split
3 that time with my colleague, Dave Cavanaugh.

4 JUDGE McSHANE: Okay. And on that, what I'm going to do is
5 set it for the full 45 and then we'll see how we go. So just let me know when
6 you are ready to go.

7 MR. LEARY: May it please the Board, good morning. My name
8 is Matthew Leary for the petitioner. I put up on the screen petitioner's
9 exhibit Unified 1023, and hopefully for Judge Quinn, she's got that. Turning
10 to slide 2, in addition to some background today, there are two main topics
11 that the petitioner will discuss. First I'll discuss claims 8 and 11. I'll explain
12 why it would have been obvious to have used a CRC hash such as that in the
13 Jain article in place of the XOR hash that is disclosed in the Cheriton patent.
14 I will also explain why the Cheriton patent discloses both an input and an
15 output packetizer.

16 Second, separately I would like to address the remaining
17 row-based claims and explain why it would have been obvious to have used
18 row-based SRAMs in the system disclosed in the Cheriton patent and how
19 doing so would meet each of the row-based limitations.

20 If at any point the Board has any questions, we would hope that
21 you would just ask at that time and we could address it as they come up.

22 Turning now to slide 4, I would like to start with an overview of
23 the '951 patent. That patent is directed to providing memory cache to store
24 and look at network addresses. That cache is situated within a network
25 device such as a switch or a router or a bridge. The top half of slide 4 shows
26 Dr. Seshan's high-level explanation of these types of network devices. The

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