

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC.,
Petitioner,

v.

VILOX TECHNOLOGIES, LLC.,
Patent Owner.

Case IPR2018-00044
Patent 7,302,423 B2

Record of Oral Hearing
Held: December 11, 2018

Before SALLY C. MEDLEY, ROBERT J. WEINSCHENK, and
JOHN D. HAMANN, *Administrative Patent Judges*.

Case IPR2018-00044
Patent 7,302,423 B2

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 Tuesday, December 11, 2018, commencing at 9:00 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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2 JUDGE WEINSCHENK: Good morning everyone. This is a
3 hearing for IPR 2018-00044, Unified Patents v. Vilox Technologies. Let's
4 start with appearances and when you introduce yourself please step up to the
5 center podium. Who do we have for Petitioner?

6 MR. O'DELL: My name is David O'Dell, lead counsel for the
7 Petitioner. With me today are Thomas Kelton sitting at the table who will
8 also be leading the conversation today. Also David McComb with Haynes
9 & Boone, and Jonathon Stroud, an attorney also of record and attorney at
10 Vilox.

11 JUDGE WEINSCHENK: Okay. And who do we have here for
12 Patent Owner?

13 MR. HARROP: John Harrop, lead counsel for Patent Owner.
14 With me is Arlen Papazian.

15 JUDGE WEINSCHENK: Okay. All right. Before we get
16 started just a few preliminary matters. As you can see, Judge Hamann is
17 appearing remotely so when you're speaking please step up to the center
18 podium so he can hear you and also please try to refer to slide numbers so he
19 can follow along. As you know from our Order we gave each 60 minutes.
20 We'll start with Petitioner followed by Patent Owner and Petitioner, before
21 you begin just let us know how much time you'd like to reserve for rebuttal.
22 You can start when you're ready.

23 JUDGE HAMANN: Counsel, before you begin let me just note
24 – I'm not sure you're hearing (indiscernible) set up in the video, but when
25 you look at the Judges that are present in the room there you're also looking

1 at the -- my camera vantage point is directly behind them so (indiscernible.)

2 MR. KELTON: Can you hear me when I speak into the
3 microphone?

4 JUDGE HAMANN: Absolutely.

5 MR. KELTON: Good morning, Your Honors. I am Thomas
6 Kelton for Petitioner Unified Patents. We request to reserve 20 minutes for
7 rebuttal. May it please the Board. Just briefly we would like to go over the
8 grounds of unpatentability and talk about what issues are at play and what
9 issues are not at play so that we can focus on the issues that are most
10 important.

11 So there are four grounds of unpatentability. Challenge No. 1
12 and challenge No. 2, they're alternative grounds. So one is Maloney and
13 Bertram and the other is Excel and Bertram and those include both of the
14 independent claims being challenged, so that's claims 1 and 3. We also have
15 challenges 3 and 4 and those go to just dependent claims 5 and 6 and they
16 add another piece of prior art, Kanevsky.

17 We're on slide 2. There's challenge No. 1. So Patent Owner
18 does not contest that any limitation of independent claim 3 is missing from
19 the references, only that the combination is improper. Also Patent Owner
20 does not separately argue any dependent claims except for claim 2.

21 Moving to slide No. 4, that's challenge No. 2. It's the
22 alternative ground using Excel. In this case the same thing, Patent Owner
23 does not contest that any limitation of independent claim 3 is missing from
24 the references, only that the combination is improper. Also Patent Owner
25 does not separately argue any dependent claims.

26 On slide 5, this is challenges 3 and 4 where we add Kanevsky.

1 Patent Owner does not contest that any limitation of dependent claims 5 and
2 6 is missing from the references, only that the combination is improper. So
3 those are the issues that we will focus on.

4 If we go to slide No. 6 we can see independent claim No. 1.
5 We'll just consider for the purposes of this presentation that claim No. 1 is
6 representative unless we say otherwise. But it's a method and it has to do
7 with how a user would interact with the database and so, for instance,
8 assume you're buying something online and you're filling out an online web
9 form and maybe you have to select in a field an entry which would be the
10 state you live in. So if you live in a state like Tennessee that has a lot of
11 letters and maybe all those letters don't fit in that horizontal space that's
12 allowed in the blank there so maybe it abbreviates it to TENN or something
13 like that and maybe you have to select your city too and maybe your city
14 name is just too long to fit in the space so that's abbreviated as well, and
15 that's what claim 1 is directed to.

16 So when we look at claim 1, if we go down to that second to
17 determining step that's the fourth limitation under the preamble determining
18 a number of characters included in each entry in a selected database field, so
19 that's where it determines how many characters are in Tennessee, and then
20 the next one that's the if limitation. If the number of characters included in
21 each entry exceeds a specified amount of characters displaying a portion of
22 each entry. So it shortens that text stream. That's what claim 1 is directed
23 at.

24 So if we move to slide 8. This is where I'd like to do just a brief
25 technology overview so we can talk about claim 1, claim 3, the file history
26 and how that relates to the prior art that we're presenting at this time.

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