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2 UNITED STATES PATENT AND TRADEMARK OFFICE

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4 BEFORE THE PATENT TRIAL AND APPEAL BOARD

5
6 RIOT GAMES, INC.
Petitioner,

7
8 V.

9 PALTALK HOLDINGS, INC.
Patent Owner.

10 -----

11 Case IPR2018-00129
Patent 5,822,523

12 -----

13
14 TELEPHONIC HEARING HELD BEFORE THE HONORABLE
Judge Easthom
Judge Fitzpatric
15 Judge Bang

16
17 March 26, 2018 - 1:02 p.m.
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21 Reported by:

22 Tiffany Valentine

23 Job No. 139829
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A P P E A R A N C E S

FOR PETITIONER:

SIDLEY AUSTIN

1501 K Street, N.W.

Washington, D.C. 20005

BY: SAMUEL DILLON, ESQ.

SCOTT BORDER, ESQ.

FOR PATENT OWNER:

MUNCK WILSON MANDALA

600 Banner Place Tower

12770 Coit Road

Dallas, Texas 75251

BY: GREG HOWISON, ESQ.

KEITH HARDEN, ESQ.

BRIAN WALKER, ESQ.

TELEPHONIC PROCEEDINGS

1
2 JUDGE EASTHOM: Patent Owner, I
3 understand Mr. Howison, Mr. Harden and
4 Mr. Walker are all on the line; is that
5 correct?

6 MR. HOWISON: That is correct.

7 JUDGE EASTHOM: And Mr. Howison, are
8 you going to speak?

9 MR. HOWISON: It's Petitioner's
10 call, but I will speak after they speak, I
11 guess.

12 JUDGE EASTHOM: That will be you,
13 though, Mr. Howison?

14 MR. HOWISON: I will speak, yes.

15 JUDGE EASTHOM: Okay, great.

16 And then for Petitioner, we have
17 Mr. Border and Mr. Dillon. And I assume
18 Mr. Dillon, were you going to speak because
19 I heard you speak earlier?

20 MR. DILLON: Yes, your Honor. This
21 is Sam Dillon and I will be speaking on
22 behalf of Petitioner and I have Scott
23 Border here with me.

24 JUDGE EASTHOM: Great. Great.

25 Petitioner, did you pull the court

TELEPHONIC PROCEEDINGS

1
2 reporter in because it's your call?

3 MR. DILLON: I did. Yes, your
4 Honor.

5 JUDGE EASTHOM: So you will file
6 that as soon as you get that back from the
7 court reporter, obviously?

8 MR. DILLON: Yes, your Honor. We
9 should have a final copy by the end of this
10 week.

11 JUDGE EASTHOM: Great, okay. Thank
12 you everyone.

13 So we're here for IPR 2018-00129,
14 2018-00130, 2018-00131 and 2018-00132.

15 Petitioner sent the Board an e-mail
16 requesting a conference call to discuss
17 whether or not they could file supplemental
18 briefing in response to Patent Owner's
19 preliminarily response with respect to
20 three claim terms. The following three
21 claim terms include "aggregated message,"
22 "aggregated payload" and "payload portion."

23 With that, Petitioner, why don't you
24 explain to us why you think there is good
25 cause under 37 CFR 42.108-C for you to be

TELEPHONIC PROCEEDINGS

1 granted additional briefing.

2 MR. DILLON: Thank you, your Honor.

3 And that is correct; those are the
4 three claim terms we identified in our
5 e-mail. We think there is good cause to
6 submit a preliminarily reply.
7

8 So these patents, the 686 patent and
9 523 patent, have been litigated for a long
10 time. The first litigation for the 523
11 patent was in filed 1999. It had been
12 litigated at least half a dozen times since
13 then.

14 Throughout that whole process,
15 Patent Owner has taken a number of
16 positions regarding the meaning of these
17 claim terms that we think are inconsistent
18 with the position that it is taking now.
19 Specifically, each of the claim terms they
20 propose in their preliminarily response has
21 a slightly different construction, but they
22 each include a limitation related to a
23 transport layer header or a transport layer
24 message header.

25 That limitation is something that we

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