

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SHOPIFY, INC., PRICELINE.COM LLC, and BOOKING.COM B.V.,
Petitioner,

v.

DDR HOLDINGS, LLC,
Patent Owner.

Cases

IPR2018-01008 and IPR2018-01011 (Patent 9,636,876 B1)

IPR2018-01009 and IPR2018-01012 (Patent 9,043,228 B1)

IPR2018-01010 and IPR2018-01014 (Patent 8,515,825 B1)

Record of Oral Hearing
Held July 25, 2019

Before CARL M. DEFRANCO, PATRICK M. BOUCHER, and
ALYSSA A. FINAMORE, *Administrative Patent Judges*.

IPR2018-01008 and IPR2018-01011 (Patent 9,636,876 B1)
IPR2018-01009 and IPR2018-01012 (Patent 9,043,228 B1)
IPR2018-01010 and IPR2018-01014 (Patent 8,515,825 B1)

APPEARANCES:

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The above-entitled matter came on for hearing on Thursday, July 25, 2019, commencing at 9:00 a.m., at the Byron G. Rogers Federal Office Building, 1961 Stout Street, 14th Floor, Denver, Colorado 80294.

IPR2018-01008 and IPR2018-01011 (Patent 9,636,876 B1)
IPR2018-01009 and IPR2018-01012 (Patent 9,043,228 B1)
IPR2018-01010 and IPR2018-01014 (Patent 8,515,825 B1)

1 JUDGE BOUCHER: Okay. Thank you. So before we begin, I just
2 want to remind the parties that the hearing is open to the public and a full
3 transcript of it will become part of the record.

4 Please keep in mind that whatever is projected on the screen will not
5 be viewable by the Judges who are appearing remotely but they do have
6 copies of the demonstratives filed by both sides.

7 So when you refer to an exhibit on the screen, please state the slide or
8 exhibit number to which you are referring so that we have it complete in the
9 record and so that the remote Judges can follow along.

10 As you know from our trial order, each party has 60 minutes to
11 present his arguments. Because the Petitioner has the burden of showing
12 unpatentability of the challenged claims, the Petitioner will proceed first
13 followed by the Patent Owner.

14 Patent Owner -- or Petitioner may reserve time and as we indicated in
15 the trial order the Patent Owner may request a brief sur-rebuttal as well.

16 I just want to make sure the remotely appearing Judges can hear us
17 fine. Judge Finamore, you can hear us?

18 JUDGE FINAMORE: Yes.

19 JUDGE BOUCHER: Okay. And, Judge DeFranco?

20 JUDGE DEFRANCO: Yes, Judge.

21 JUDGE BOUCHER: Okay. So Petitioner will begin and would you
22 like to reserve some time?

23 MR. MCNAMARA: Yes, sir. I would like to reserve 15 minutes
24 please.

25 JUDGE BOUCHER: Okay. I'll just set the clock for 45 and

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1 whenever you are ready you can begin.

2 MR. MCNAMARA: Great. Thank you. I'm ready to start.

3 JUDGE BOUCHER: Go ahead please.

4 MR. MCNAMARA: All right. Your Honor, we are here today as you
5 observed to talk about six different IPRs. Those IPRs are roughly sort of in
6 two different groups, right.

7 We have the -- what we will call the Moore IPRs which primarily
8 today I think we are going to be talking about Moore for those IPRs and then
9 we have the Loshin IPRs. There are three Loshin IPRs. When we get to
10 those I imagine we will primarily talk about Loshin and that's on Slide 2.

11 Now if we jump to Slide 5, we tried to provide a little bit of a table of
12 contents about what we are going to talk about today. And here is kind of a
13 summary of what is going on with Moore.

14 Now the Board in their Institution Decision agreed with Petitioner that
15 all the claim elements of the DDR claims were disclosed by Moore and
16 instituted and we agree with that decision.

17 Patent Owner came back and argued that certain claim elements were
18 missing from the references. For the independent claim, all that they argued
19 was that the common overall appearance is missing and then for the
20 dependent claims, they argued that certain dependent claims which really go
21 to basic Internet functionality were missing.

22 So we have got paying commission which has been happening in
23 business for hundreds of years, organizing your page so that your catalog
24 looks like the L.L. Bean catalog or any catalogs that have existed for a long
25 time, and then searching on the Internet.

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