

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GOOGLE LLC,  
Petitioner,

v.

AGIS SOFTWARE DEVELOPMENT, LLC,  
Patent Owner.

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Case IPR2018-01079  
Patent 8,213,970 B2

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Record of Oral Hearing  
Held September 5, 2019

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Before TREVOR M. JEFFERSON, CHRISTA P. ZADO, and  
KEVIN C. TROCK, *Administrative Patent Judges*.

Case IPR2018-01079  
Patent 8,213,970 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

JONATHAN TUMINARO, ESQ.  
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ON BEHALF OF THE PATENT OWNER:

VINCENT RUBINO III, ESQ.  
Brown Rudnick LLP  
7 Times Square  
New York, NY 10036  
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ALSO PRESENT: Mike Burda and Jim Sherwood

The above-entitled matter came on for hearing on Thursday, September 5, 2019, commencing at 10:01 a.m., at the Silicon Valley U.S. Patent and Trademark Office, 26 South 4th Street, San Jose, California 95112.

PROCEEDINGS

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(Proceedings begin at 10:01 a.m.)

JUDGE ZADO: All right. Good morning everyone.

This is the oral hearing in IPR2018-01079 between Petitioner, Google LLC, and Patent Owner, AGIS Software Development, LLC; involving challenges of claims of U.S. Patent 8,213,970.

I'm Judge Zado in Silicon Valley, and here with me today is Judge Trock. Judge Jefferson joins us remotely. For clarity of the transcript and for the benefit of the judge participating remotely, please speak into the microphone at the podium and identify any exhibits and demonstratives, including by page number or slide, that you are using so that any remote judges can pull them up.

Also, please bear in mind that the demonstratives are not evidence and they may not introduce new evidence or arguments. Each party will have 30 minutes of total argument time. Petitioner will go first and present its case with regard to the instituted claims. Thereafter, Patent Owner will argue its opposition to Petitioner's case. And if there's any rebuttal from Petitioner we'll hear it after Patent Owner's opposition.

So let's go ahead and get the parties appearances.

Who do we have appearing on behalf of Petitioner?

MR. TUMINARO: Good morning, Your Honor. Jonathan Tuminaro on behalf of Petitioner. Here with me is Karen Wong-

1 Chan, Mike Burda, and also, Jim Sherwood, who is the client.

2 JUDGE ZADO: Thank you. And would Petitioner like  
3 to reserve time for rebuttal?

4 MR. TUMINARO: Yes, Your Honor.

5 JUDGE ZADO: How much time?

6 MR. TUMINARO: Ten minutes for rebuttal.

7 JUDGE ZADO: Okay. Thank you.

8 And who do we have appearing on Patent Owner's  
9 behalf?

10 MR. RUBINO: Good morning, Your Honor. Vincent  
11 Rubino from the law firm of Brown Rudnick, on behalf of Patent  
12 Owner, AGIS Software Development, LLC.

13 JUDGE ZADO: And will Patent Owner reserve time for  
14 Sur-rebuttal today?

15 MR. RUBINO: If -- yes, five minutes.

16 JUDGE ZADO: Okay. So before we -- thank you.

17 MR. RUBINO: Thank you.

18 JUDGE ZADO: So before we get started, I just wanted  
19 to do a little bit of housekeeping, and this is directed  
20 toward Petitioner. You filed two replies to Patent Owner's  
21 response, Papers 21 and 22, and so we just wanted to clear  
22 that up and ask what that is about? If you're ready to  
23 discuss it today?

24 MR. TUMINARO: I believe it may have been a clerical  
25 error on Paper 21, and that's why we filed 22. I'm not sure  
26 as I sit here right now, though. I don't know.

1 JUDGE ZADO: Okay. Well, we can follow up after the  
2 hearing then.

3 MR. TUMINARO: In terms of housekeeping, also, I  
4 have hard copies of our demonstratives if Your Honors would  
5 like hard copies?

6 JUDGE ZADO: Yes, please. You may bring them up.

7 JUDGE TROCK: Thank you.

8 MR. TUMINARO: You're welcome.

9 JUDGE ZADO: Okay. And I'll also ask Patent Owner's  
10 Counsel, were there any other housekeeping issues you wanted  
11 to raise before we get started?

12 MR. RUBINO: Yes, Your Honor. We also have slides  
13 for The Court.

14 JUDGE ZADO: All right. Please approach.

15 MR. RUBINO: And nothing further from Patent Owner,  
16 thank you.

17 JUDGE ZADO: Thank you.

18 Okay. Petitioner, when you're ready, please begin.

19 MR. TUMINARO: May I please the Board. Jonathan  
20 Tuminaro on behalf of Petitioner, Google. As I said, I'd like  
21 to reserve 10 minutes of my time for rebuttal.

22 There are a limited number of issues that are still  
23 in dispute based on what's in the papers. So as we'll see, as  
24 I go through the presentation here today, AGIS' arguments all  
25 follow a common theme. They ignore the evidence and the  
26 arguments that Petitioner makes in the petition and in the

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