

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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MICROSOFT CORPORATION,

Petitioner,

v.

DIRECTSTREAM, LLC,

Patent Owner.

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IPR2018-01605, IPR2018-01606, and IPR2018-01607  
Patent No. 7,620,800

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**PATENT OWNER DIRECTSTREAM, LLC'S  
REQUEST FOR ORAL ARGUMENT**

**PATENT OWNER'S REQUEST FOR ORAL ARGUMENT**

Pursuant to 37 C.F.R. § 42.70(a), Patent Owner DirectStream, LLC respectfully requests oral argument on all issues raised in each of the following *Inter Partes* Review ("IPR") cases: IPR2018-01594; IPR2018-01599; IPR2018-01600; IPR2018-1601; IPR2018-1602; IPR2018-1603; IPR2018-1604; IPR2018-1605; IPR2018-1606; IPR2018-1607.

Patent Owner's request for oral argument includes, in each respective case, all issues raised in the relevant: Petition for *Inter Partes* Review; Patent Owner's Preliminary Response; Patent Owner's Response; Petitioner's Reply to Patent Owner's Response; Patent Owner's Sur-Reply to the Petitioner's Reply; Motions to Exclude Evidence (if any); and any other pending motions or issues related to each respective case.

Oral arguments in these IPR cases were originally scheduled to take place January 14-15, 2020. For reasons discussed during a Board call on October 22, 2019, the oral argument dates were rescheduled for February 3-4, 2020. *See* IPR2018-01605, Exhibit 2177 (transcript of Board Call); *see also e.g.*, IPR2018-01594, -1601, -1605, Paper 46; IPR2018-01599, -1600, Paper 48; IPR2018-01604,

Paper 49 (stipulations regarding modification of schedule, including oral argument dates).<sup>1</sup>

Patent Owner requests that oral argument be consolidated for cases IPR2018-01599 and IPR2018-01600. The '110 Patent challenged in the -1600 case is a continuation of the '152 Patent challenged in the -1599 case. The '152 and '110 Patents share an identical specification and have a common priority date. The respective IPR Petitions for the -1599 and -1600 cases rely upon the same prior art references, assert essentially identical grounds of invalidity, and make essentially identical legal and factual arguments. Patent Owner filed a single consolidated Patent Owner Response in the -1599 and -1600 cases. Thus, the disputed factual

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<sup>1</sup> To Patent Owner's knowledge, the Board has not memorialized the new oral argument dates in a formal Order. Following the October 22 Board Call, the Board sent the parties an email October 24, 2019 indicating that the oral argument dates for these IPR cases would be reset to February 3-4, 2020; and the Parties then agreed to other schedule revisions based upon these new oral argument dates. In each case, the Parties jointly filed a stipulation setting forth the agreed revised case schedule, including memorialization of February 3-4, 2020 as the new oral argument dates. *See e.g.*, IPR2018-01594, -1601, -1605, Paper 46; IPR2018-01599, -1600, Paper 48; IPR2018-01604, Paper 49.

and legal issues are essentially identical in the -1599 and -1600 cases, and the cases should be argued together.<sup>2</sup>

Patent Owner also requests that the consolidated argument for the -01599, -1600, and -1604 IPRs be scheduled to take place first on February 3, 2020. The '152 and '110 Patents challenged in the -1599 and -1600 cases have a priority date of December, 1997. By considering the -1599, -1600, and -1604 cases first, the Board can best focus its attention on the state of the art in December 1997 before turning to the subsequent, separate patents in the other IPR cases.

Moreover, the oral argument in the -1599 and -1600 cases will involve a discussion of technical issues that will provide an important technological context for all of the other IPR cases. Broadly speaking, Patent Owner believes it will be useful for the Board to proceed over the two days of oral argument by considering the challenged DirectStream patents chronologically by priority date. Apart from the -1599 and -1600 cases, each respective patent challenged in the other IPRs is a continuation-in-part patent application or subsequent technological improvement developed after the '152 Patent that is challenged in IPR -1599. By considering the

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<sup>2</sup> The following cases have been formally consolidated, and will be addressed in a single, consolidated oral argument: IPR2018-1601; IPR2018-1602; IPR2018-1603; IPR2018-1605; IPR2018-1606; and IPR2018-1607.

DirectStream patents chronologically by priority date, the Board will best be able to understand the way that DirectStream's technological efforts and patent applications unfolded over time.

Thus, to consider the patents chronologically, Patent Owner respectfully requests the following order for the various oral arguments:

Monday, February 3, 2020

- Morning: IPR2018-01599 and IPR2018-01600 (consolidated).
- Afternoon: IPR2018-01604.

Tuesday, February 4, 2020

- Morning: IPR2018-01601; IPR2018-1602; IPR2018-1603; IPR2018-1605; IPR2018-1606; and IPR2018-1607 (consolidated).
- Afternoon: IPR2018-01594.

If set as the first oral argument, the -1599/-1600 argument will be the Parties' first discussion of the technology background and other issues that may be common to other IPRs (or that will set the context for the other IPRs).

Accordingly, Patent Owner requests more oral argument time for the -1599/-1600 cases as compared to the other oral arguments.

Patent Owner requests 90 minutes of total presentation time per side for oral argument of the consolidated -1599 and -1600 cases. Patent Owner requests 60 minutes of total presentation time per side for each of the other IPR oral

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