

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GUEST TEK INTERACTIVE ENTERTAINMENT LTD.,
Petitioner,

v.

NOMADIX, INC.,
Patent Owner.

IPR2019-00211 (Patent 7,953,857 B2)
IPR2019-00253 (Patent 8,626,922 B2)

Record of Oral Hearing
Held: February 25, 2020

BEFORE SALLY C. MEDLEY, DANIEL J. GALLIGAN, and
JASON W. MELVIN, *Administrative Patent Judges*.

IPR2019-00211 (Patent 7,953,857 B2)

IPR2019-00253 (Patent 8,626,922 B2)

A P P E A R A N C E S

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The above-entitled matter came on for hearing on Tuesday, February 25, 2020, commencing at 12:59 p.m., at the U.S. Patent and Trademark Office, USPTO Madison Building, 600 Dulany Street, Alexandria, Virginia 22314.

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1 (Proceedings begin at 12:59 p.m.)

2 JUDGE MELVIN: Okay. Good afternoon.

3 MR. LESOVITZ: Good afternoon.

4 JUDGE MELVIN: So we are here for a combined hearing
5 in IPR2019-00211 and IPR2019-00253. I'm Judge Melvin. With
6 me, in the room, is Judge Medley and appearing remotely is
7 Judge Galligan. Would the parties make their appearances,
8 please?

9 MR. LESOVITZ: Hi. This is Jeff Lesovitz on behalf
10 of Guest Tek, the Petitioner. And with -- here me -- with me
11 here today is Andrew Samuels, also of Baker Hostetler for the
12 Petitioner.

13 JUDGE MELVIN: Thank you.

14 JUDGE GALLIGER: Counsel, if the parties could just
15 step up to the podium and make sure the green light is
16 illuminated, so I can hear? Thanks.

17 MR. MUEHLHAUSER: Good afternoon, Your Honors. Doug
18 Muehlhauser for the Patent Owner, Nomadix. With me is my
19 colleague, Alex Martinez. And the green light appears to be
20 on.

21 JUDGE MELVIN: All right. Thank you.

22 JUDGE GALLIGER: Thank you.

23 JUDGE MELVIN: And because Judge Galligan is remote,
24 he won't be able to see what you put on the screen. So please

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1 try to remember that, when you're speaking, to refer to your
2 materials. We all have your materials in front of us. And
3 also, remember to speak into the microphone. So that Judge
4 Galligan can hear.

5 So we have 60 minutes each today for the combined
6 hearing. You may reserve time for rebuttal, up to half your
7 time. Of course, Petitioner, you will start. And each of you
8 may reserve rebuttal time. So you can tell me now or, Patent
9 Owner, when you begin, you can tell me.

10 MR. LESOVITZ: So my plan is to do 40 minutes of
11 presentation and then 20 minutes for reply. So if I may
12 proceed?

13 JUDGE MELVIN: Okay. I'll set the timer at your
14 full time and I'll try and let you know when you start to go
15 into your rebuttal.

16 MR. LESOVITZ: Okay. Great.

17 JUDGE MELVIN: All right. I'm was making sure.

18 MR. LESOVITZ: Thank you. Let's proceed.

19 So Guest Tek filed its Petitions, based on three
20 grounds of invalidity. And the Board found a reasonable
21 likelihood of invalidity on all three grounds, and instituted
22 on all three grounds. Now, there hasn't been any new
23 arguments or any new evidence presented in these proceedings
24 that we think should change the Board's prior decision. So we
25 believe the Board should affirm its invalidity finding in its

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1 final written decision.

2 Now, I will begin my presentation. I'm sorry. I
3 forgot my clicker. So I'll begin my presentation by giving a
4 quick overview of the challenged patents, and then a summary
5 of the prior art, and then I'll jump into the invalidity
6 grounds.

7 So what are the patents about? The challenged
8 patents are about managing the amount of bandwidth that users
9 get when sending data over the internet. And the goal of the
10 patents is to limit users to the amount of bandwidth that they
11 selected. And the patents do that by calculating a delay
12 period and then delaying packets, based on the delay period,
13 to prevent users from exceeding the selected bandwidths.

14 So turning to Slide 4, I have exemplar -- an
15 exemplary challenge claim on the screen. And this is Claim 1
16 of the '857 Patent. Now, Claims 1 and 9 of both patents are
17 being challenged in these IPRs. And they all, basically,
18 recite the same, really similar limitations. For example,
19 they recite, "A system or method for allowing users to control
20 an amount of bandwidth." The first and second network
21 interfaces, data storage for storing selected bandwidths, and
22 then a processor that calculates a delay period, based on the
23 selected bandwidth. And then delays packets, based on that
24 delay period.

25 So I'm going to use this claim as the example claim

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