

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SLING TV L.L.C. and VUDU, INC.,
Petitioner,

v.

UNILOC 2017 LLC,
Patent Owner.

IPR2019-01367¹
Patent 8,407,609 B2

Record of Oral Hearing
Held Virtually: Thursday, December 3, 2020

Before CHARLES J. BOUDREAU, DANIEL J. GALLIGAN, and
JULIET MITCHELL DIRBA, *Administrative Patent Judges*.

¹ Vudu, Inc., which filed a Petition in IPR2020-00677, has been joined as a Petitioner in this proceeding.

IPR2019-01367
Patent 8,407,609 B2

APPEARANCES:

ON BEHALF OF PETITIONER:

ELIOT D. WILLIAMS, ESQUIRE
BAKER BOTTS
1001 Page Mill Road Building One
Suite 200
Palo Alto, California 94304-1007
(650) 739-7511

ON BEHALF OF PATENT OWNER:

BRIAN KOIDE, ESQUIRE
ETHERIDGE LAW GROUP
2600 East Southlake Boulevard
Suite 120-324
Southlake, Texas 76092-6634
(817) 470-7249

The above-entitled matter came on for hearing on Tuesday, December 3, 2020, commencing at 1:30 p.m. EST, by video/by telephone.

1 PROCEEDINGS

2 JUDGE DIRBA: Good afternoon and good morning. This
3 is the oral hearing for IPR2019-01367 relating to U.S. Patent
4 No. 8,407,609.

5 I'm Judge Dirba and I'm joined today by my colleagues,
6 Judges Boudreau and Galligan. We'll begin with parties'
7 appearances. Who will be appearing for Petitioner?

8 MR. WILLIAMS: Good afternoon or good morning, Your
9 Honor. This is Eliot Williams. I'll be appearing on behalf of
10 Petitioner.

11 JUDGE DIRBA: And will you be doing the entire
12 presentation for Petitioner, Mr. Williams?

13 MR. WILLIAMS: Yeah, in the 1367 matter, that's
14 correct.

15 JUDGE DIRBA: Okay. Who is appearing for patent
16 owner?

17 MR. KOIDE: Good morning, Your Honor. This is Brian
18 Koide of the Etheridge Law Group for Patent Owner.

19 JUDGE DIRBA: Good afternoon, Mr. Koide. Is there
20 anyone else who will be presenting for Patent Owner today?

21 MR. KOIDE: No. I'm also arguing the next hearing as
22 well. But for this I'm the only one arguing.

23 JUDGE DIRBA: Excellent. I anticipate we'll have
24 separate transcripts for the two proceedings, and so we'll go
25 through this process again.

1 MR. KOIDE: I understand, Your Honor.

2 JUDGE DIRBA: Is there anyone else on the line who
3 would like to enter an appearance?

4 MR. KOIDE: I think on the telephonic line I'd like to
5 announce -- he's not going to participate, but I think my
6 in-house counsel, Steve Peterson, Uniloc's in-house counsel may
7 be on. He was planning to. I don't have an indication of who
8 all is on right now, but he's Uniloc's general counsel.

9 JUDGE DIRBA: Okay.

10 MR. McKEEVER: Patrick McKeever, counsel for Netflix
11 in the 2020-00041 proceeding. I'm on the line as well, but just
12 listening in for the first hearing.

13 JUDGE DIRBA: Thank you, Mr. McKeever.

14 And as you all mentioned, or as a couple of folks have
15 mentioned, we do have an audio line today. We also received a
16 request from the public to attend this hearing. So members of
17 the public may be listening to this hearing. Neither party
18 objected to making the hearing publicly available, and the
19 record of this proceeding doesn't include any confidential
20 information.

21 Before we get started today, there are a few things
22 we'd like to address. First, thank you all for your flexibility
23 in participating in this hearing by video conference. Our first
24 priority is your right to be heard, so if at any time you have a
25 technical problem that you feel is undermining your ability to
26 adequately represent your client, please let us know right away

1 so that we can promptly address the problem. If you are unable
2 to speak with the judges, you can contact the team who provided
3 you with the connection information today. If that happens to
4 you, if you do have a technical difficulty, please make a note
5 of what was being discussed at the time so we can know where to
6 pick up the discussion. We will pause the argument if at any
7 time a video participant or the court reporter loses their audio
8 or video connection.

9 Also, to improve the audio quality today and to ensure
10 everyone can hear what is being said, please make sure you mute
11 your mike and only unmute when speaking. Also, to assist with
12 the transcript, please identify yourself when speaking so that
13 we can make sure that the speaker is adequately identified – or,
14 accurately identified.

15 Per the hearing order, each side will have 30 minutes
16 of total argument time for this proceeding. Petitioner has the
17 ultimate burden of establishing unpatentability. Therefore,
18 Petitioner will open by presenting its case, as presented in the
19 Petition regarding the alleged unpatentability of the challenged
20 claims. Petitioner may reserve rebuttal time, but no more than
21 half of its total argument time. Thereafter, Patent Owner will
22 respond to Petitioner's arguments. Patent Owner may also
23 reserve surrebuttal time no more than half of its total argument
24 time to respond to Petitioner's rebuttal.

25 All arguments presented today must have previously
26 been presented in your briefs. No new arguments are allowed.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.