

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD
CASE IPR2020-00031

GUARDIAN ALLIANCE
TECHNOLOGIES, INC.,
Petitioner,

vs.

TYLER MILLER,
Patent Owner.

Telephonic proceedings taken on
Thursday, February 6, 2020, at Advanced
Depositions, LLC, 1600 Market Street, Suite 1700,
Philadelphia, Pennsylvania, commencing at
approximately 3:32 p.m., before Joanne Rose, a
Registered Professional Reporter, Registered Merit
Reporter, Certified Realtime Reporter and Notary
Public, pursuant to notice.

BEFORE:

DAVID C. MCKONE
Administrative Patent Judge

SALLY C. MEDLEY
Administrative Patent Judge

JOHN R. KENNY
Administrative Patent Judge

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1 APPEARANCES:

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1 JUDGE MCKONE: So my
2 understanding is that there are
3 several issues here between the
4 parties that we're going to discuss
5 today. I'll start trying to go
6 through them in order.

7 The first issue, I
8 understand the Petitioner is
9 requesting a five-page motion and is
10 willing to allow a five-page response
11 from Patent Owner regarding what it
12 characterizes as a clerical error.
13 And Petitioner wants to substitute a
14 different exhibit for Exhibit 1002.

15 And I understand that
16 that's related to Patent Owner
17 requesting to file a Motion To
18 Terminate for failure to comply with
19 Section 312(a)(5) for the same
20 reason, the exhibit that was 1002 was
21 not the correct exhibit.

22 Do I understand that
23 correctly?

24 MR. SIGALE: Yes, you do,

4

1 your Honor. This is Jordan Sigale.

2 JUDGE MCKONE: Okay. So,
3 Petitioner, why don't you go ahead
4 and go first and just give a very
5 brief background of what happened
6 here.

7 And then we'll let Patent
8 Owner respond and then we'll try to
9 figure out the most efficient way to
10 divvy the issue up and brief it.

11 MR. SIGALE: Thank you,
12 your Honor. There is pending
13 District Court litigation, just to
14 kind of set the stage, involving
15 Patent Owner and its exclusive
16 licensee against one of the customers
17 of Petitioner, Guardian Alliance
18 Technologies.

19 In this petition -- I'm
20 trying to decide where to start.
21 Let's start here. When we received
22 the Patent Owner's response about a
23 little bit more than a week ago, the
24 Patent Owner's response dealt

1 extensively with the fact that
2 Exhibit 102 was not prior art.

3 The Patent Owner includes
4 in their Patent Owner's response a
5 screenshot from Exhibit 102, which is
6 a video, and indicates that right on
7 the video itself there is a copyright
8 date that is after the critical date
9 with respect to the patent and notes
10 that the video of Exhibit 102 doesn't
11 match the screen excerpts that
12 Petitioner provided to the Board in
13 Exhibit 1022 for the convenience of
14 the Board in case the Board members
15 did not have a video player handy
16 when they were looking at the
17 petition.

18 What Patent Owner's
19 response doesn't note is that in the
20 petition itself Petitioner included
21 the same exact screenshots that
22 appear in Exhibit 1022.

23 And there are quite a
24 number of screenshots that were taken

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