

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NETFLIX, INC.,
Petitioner,

v.

UNILOC 2017 LLC,
Patent Owner.

IPR2020-00041
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*.

IPR2020-00041
Patent 8,407,609 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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The above-entitled matter came on for hearing on Tuesday, December 3, 2020, commencing at 3:00 p.m. EST, by video/by telephone.

1 PROCEEDINGS

2 JUDGE DIRBA: Good afternoon. This is the oral
3 hearing for IPR2020-00041 relating to U.S. patent number
4 8,407,609. I'm Judge Dirba, and I'm joined by Judges Boudreau and
5 Galligan today. We'll begin with the parties' appearances. Who
6 do we have for Petitioner?

7 MR. McKEEVER: Good afternoon, Your Honors. Patrick
8 McKeever for Petitioner, Netflix, and with me in the room but
9 not arguing is my co-counsel Babak Tehranchi.

10 JUDGE DIRBA: Thank you, Mr. McKeever. And for Patent
11 Owner?

12 MR. KOIDE: Good afternoon, Your Honors. This is
13 Brian Koide of the Etheridge Law Group for Patent Owner Uniloc
14 2017. And with me on the -- again, as I mentioned on the other
15 hearing, I believe on the telephonic line may be Uniloc's
16 general counsel, Steve Peterson.

17 JUDGE DIRBA: Thank you, Mr. Koide. Is there anyone
18 else on the line who would like to enter an appearance?

19 Okay. Please be aware that we received a request for
20 a public telephone line. As you all mentioned, there is a
21 telephone line active. So members of the public may be
22 listening to this hearing today. Neither party objected to
23 making the hearing publicly available, and the information of
24 record in this proceeding doesn't include any confidential
25 information.

1 There are a few things we'd like to address before
2 we get started today.

3 First, thank you all for your flexibility in
4 participating in this hearing by videoconference. Our first
5 priority is to ensure your right to be heard. So if at any time
6 you have a technical problem that you feel is undermining your
7 ability to adequately represent your client, please let us know
8 right away so that we can promptly address the problem. If you
9 are unable to speak with any of the judges, contact the team who
10 provided you with the connection information. We will pause the
11 action if a video participant or the court reporter loses their
12 audio or video connection. If that happens to you, please make
13 a note of what was being discussed at the time that you lost
14 your connection so that we can figure out where to pick up.

15 Also, to improve the audio quality during the hearing
16 today, please mute your mike and only unmute when speaking.
17 Also, please identify yourself when you speak so that the
18 transcript accurately reflects the speaker. Per the hearing
19 order, each side will have 30 minutes of total argument time for
20 this proceeding.

21 Petitioner has the ultimate burden of establishing
22 unpatentability; therefore, Petitioner will open by presenting
23 its case as presented in its Petition regarding the alleged
24 unpatentability of the challenged claims. Petitioner may
25 reserve rebuttal time no more than half of its total argument

1 time. Thereafter, Patent Owner will respond to Petitioner's
2 arguments. Patent Owner may likewise reserve surrebuttal time
3 of no more than half of its total argument time to respond to
4 Petitioner's rebuttal, if any.

5 All arguments presented today must have been
6 previously presented in your briefs. No new arguments are
7 allowed. Otherwise, the parties may use their allotted time to
8 discuss the case however they choose. We ask that you make it
9 clear which challenges and which claims you're addressing so
10 that the transcript is clear and so the judges can follow along.

11 We will not take objections during a party's argument.
12 Please hold your objections and present them at your next turn
13 to speak. I will maintain a clock and inform the parties when
14 they have approximately five minutes left in their presentation.

15 Are there any issues or questions that either party
16 would like to raise before we begin? I'll begin with
17 Mr. McKeever?

18 MR. McKEEVER: No questions at this time, Your Honor.

19 JUDGE DIRBA: And Mr. Koide?

20 MR. KOIDE: No questions, Your Honor.

21 JUDGE DIRBA: Excellent. Mr. McKeever, how long would
22 you like to reserve for your rebuttal?

23 MR. McKEEVER: I would like to reserve 10 minutes,
24 please, Your Honor.

25 JUDGE DIRBA: Okay. You may begin when you're ready.

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