

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

UNILOC 2017 LLC,
Patent Owner.

IPR2020-00755
Patent 6,366,908 B1

Record of Oral Hearing
Held virtually: July 15, 2021

Before SALLY C. MEDLEY, KRISTEN L. DROESCH, and
SHIELA F. McSHANE, *Administrative Patent Judges*.

IPR2020-00755
Patent 6,366,908 B1

APPEARANCES:

ON BEHALF OF THE PETITIONER:

JOSHUAL. GOLDBERG, ESQ.
ERIKA H. ARNER, ESQ.
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ON BEHALF OF THE PATENT OWNER:

BRETT A. MANGRUM, ESQ.
Ethridge Law Group
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Also Present, Observing:

JOE SHEERER
STEVE PEDERSEN

The above-entitled matter came on for hearing on Thursday, July 15, 2021, commencing at 1:01 p.m. EST, by video/by telephone.

1 PROCEEDINGS

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3 (Proceedings begin at 1:01 p.m.)

4 JUDGE MEDLEY: Good afternoon.

5 This is the hearing for IPR2020-00755 between
6 Google LLC and Uniloc 2017 LLC involving U.S. Patent No.
7 6,366,908.

8 I am Judge Medley, and with me are Judges Droesch
9 and McShane.

10 At this time, we'd like the parties to please
11 introduce counsel for the record, beginning with the
12 Petitioner.

13 MR. GOLDBERG: Good afternoon, Your Honor.

14 This is Joshua Goldberg for Petitioner Google.

15 With me I have my lead counsel Erika Arner, and on
16 the phone, Joe Sheerer, IP counsel at Google.

17 JUDGE MEDLEY: And Mr. Goldberg, you will be
18 arguing? Presenting argument?

19 MR. GOLDBERG: Yes, Your Honor.

20 JUDGE MEDLEY: Okay, thank you.

21 And for Patent Owner, who do we have?

22 MR. MANGRUM: Good afternoon, Your Honor.

23 This is Brett Mangrum for Patent Owner. I'd like to
24 also announce that Steve Pedersen, in-house counsel for
25 patent owner, is listening on the line. And I will be
26 arguing today on behalf of Patent Owner.

1 JUDGE MEDLEY: Okay, thanks so much.

2 All right. So each party, as you know from our
3 order, has 45 minutes total time to present your arguments.

4 Petitioner, you'll proceed first and may reserve
5 some of your argument time to respond to arguments presented
6 by the Patent Owner.

7 Thereafter, the Patent Owner will respond to
8 Petitioner's presentation and may reserve argument time for
9 surrebuttal.

10 Mr. Goldberg, do you wish to reserve some of your
11 time to respond, and how much?

12 MR. GOLDBERG: Yes, Your Honor. I will reserve 20
13 minutes.

14 JUDGE MEDLEY: Thank you.

15 And Mr. Mangrum, would you like to reserve time, and
16 how much?

17 MR. MANGRUM: Yes. I'd like to reserve time. I
18 anticipate needing no longer than 10 minutes.

19 JUDGE MEDLEY: Okay, thank you.

20 Okay. Mr. Goldberg, when you're ready, we're ready
21 for you.

22 MR. GOLDBERG: Thank you, Your Honor.

23 I'd like to start with Slide 2.

24 As you may recall from the Institution Decision,
25 Google had eight grounds in its Petition. All of them were
26 instituted.

1 There are seven of those grounds, however, that
2 Uniloc has not presented any arguments for other than saying
3 because Ground 1 fails, those other grounds fail, so today
4 I'm going to focus on just the first ground, that is that
5 Claims 6 to 12 are unpatentable as obvious over
6 Braden-Harder in view of Grossman.

7 Turning to Slide 3.

8 There are actually a very limited number of issues
9 that the Board needs to decide here.

10 The level of ordinary skill in the art is not
11 disputed by Uniloc. They have not presented an alternative
12 so there's no need for the Board to address any dispute
13 there.

14 As for the step-plus-function terms, although there
15 was a dispute as to whether the terms in Claim 6 are
16 governed by step-plus-function or not, the outcome, as the
17 Board recognized in its Institution Decision, does not turn
18 on that.

19 Regardless of whether the claims are interpreted
20 under step-plus-function or not, Google has shown that the
21 claims are unpatentable and, therefore, again, the Board
22 really doesn't need to decide that issue.

23 In addition, the claim construction of the term
24 keyfact is another one where, either way, whether keyfact is
25 interpreted under Uniloc's original litigation construction
26 or interpreted under its much narrower new construction that

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