

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RING CENTRAL, INC.,
Petitioner,

v.

ESTECH SYSTEMS, INC.,
Patent Owner.

IPR2021-00573 (Patent 6,067,349)
IPR2021-00574 (Patent 8,391,298)

Record of Oral Argument
Held: July 12, 2022

BEFORE: THOMAS L. GIANNETTI, JENNIFER MEYER CHAGNON,
and CHARLES J. BOUDREAU, Administrative Patent Judges.

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IPR2021-00574 (Patent 8,391,298)

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,
July 12, 2022, commencing at 1:00 p.m., EDT, by video/by telephone.

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1 P R O C E E D I N G S

2 JUDGE BOUDREAU: Good afternoon, or perhaps good
3 morning, depending on where everyone is. This is Judge
4 Boudreau. We also have present from the Board Judges
5 Giannetti and Chagnon.

6 And we're here today for the oral hearing of Cases
7 IPR2021-00573 and IPR2021-00574, between RingCentral,
8 Incorporated, and Estech Systems, Incorporated, concerning
9 Patent Nos. 6,067,349 and 8,391,298, respectively.

10 As stated in our order setting the hearing and in a
11 follow-up message that was sent out to counsel yesterday
12 afternoon, each party will have a total of 90 minutes to
13 present its arguments today, which the parties may divide up
14 as desired between the two cases. And also as stated in the
15 follow-up message sent out yesterday, we'd like to hear
16 arguments first in the 00573 case.

17 Because Petitioner has the burden to show
18 unpatentability, Petitioner will proceed first, followed by
19 Patent Owner. Petitioner may reserve time as it
20 sees fit to rebut Patent Owner's opposition, and Patent Owner
21 may reserve time for sur-rebuttal.

22 After that, we're going to take a short break, and
23 then we'll follow the same order of proceedings for the 574 case.

24 We don't have a timer on the screen, but I will be

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1 keeping track of the time, and I'll try to give you a warning
2 when you're getting close to the expiration of the time
3 allotted.

4 At this time, can we have counsel introduce
5 themselves, starting with counsel for Petitioner,
6 RingCentral?

7 MR. HERMAN: Good afternoon, Your Honors. This is
8 Patrick Herman, lead counsel for Petitioner, from the law
9 firm of Orrick, Herrington & Sutcliffe. And also on the line
10 with me is Chris Higgins, one of the backup counsel for
11 Petitioner, also from Orrick, and Mr. Higgins will be
12 presenting Petitioner's arguments today.

13 JUDGE BOUDREAU: Thank you, Mr. Herman.

14 MR. WITTENZELLNER: Good afternoon, Your Honors. My
15 name is John Wittenzellner, here on behalf of the Patent
16 Owner.

17 JUDGE BOUDREAU: Thank you, Mr. Wittenzellner.

18 All right. And before we begin, just a reminder that
19 because we're all participating by videoconference, we ask
20 that you keep that fact in mind when referring to any papers
21 or exhibits in the record, as well as to your demonstrative
22 slides, so that we'll know what you're referring to and be
23 able to follow along and also so that the transcript of the
24 proceeding will be clear.

25 And I'll just say more generally, if you have any

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1 objections during the presentation of opposing counsel, we
2 ask that you don't interrupt the presentation with
3 objections, but reserve your objections until it's time for
4 your own rebuttal or sur-rebuttal.

5 With that, I think we're ready to begin.

6 MR. WITTENZELLNER: Your Honor.

7 JUDGE BOUDREAU: Yes.

8 MR. WITTENZELLNER: I did have one -- one issue, I
9 think, maybe a housekeeping issue that I wanted to raise
10 before we get -- excuse me. I understand that Mr. Higgins
11 will be arguing today on behalf of the Petitioner. I checked
12 the record in both IPRs, and I couldn't find a power of
13 attorney for him in either -- either proceeding.

14 JUDGE BOUDREAU: Mr. Herman, could you address that.
15 Do you know whether that's correct?

16 MR. HERMAN: I know we filed a power of attorney at
17 the beginning of the proceeding, which provided me with the
18 ability to identify lead and backup counsel, which I believe
19 that we did in the case of Mr. Higgins when we filed
20 mandatory notices identifying Mr. Higgins as a backup counsel
21 several months ago.

22 And, frankly, it's a surprise to be hearing this from
23 Patent Owner's counsel now given that they were served with
24 mandatory notices identifying Mr. Higgins as the counsel
25 months ago and haven't said anything since.

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