

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CONFIGIT A/S,
Petitioner,

v.

VERSATA DEVELOPMENT GROUP, INC.,
Patent Owner.

IPR2021-01055
Patent 6,836,766 B1

Record of Oral Hearing
Held: September 16, 2022

Before KEVIN F. TURNER, DEBRA K. STEPHENS, and
FRANCES L. IPPOLITO, *Administrative Patent Judges*.

IPR2021-01055
Patent 6,836,766 B1

APPEARANCES:

ON BEHALF OF THE PETITIONER:

JEFFREY SHNEIDMAN, ESQ.
KENNETH DARBY, ESQ.
Fish & Richardson, P.C.
One Marina Park Drive
Boston, Massachusetts 02210-1878
(617) 542-5070 (Shneidman)
shneidman@fr.com

ON BEHALF OF THE PATENT OWNER:

ROBERT STERNE, ESQ.
JAMES HIETALA, ESQ.
Sterne, Kessler, Goldstein & Fox PLLC
1100 New York Avenue, NW
Washington, D.C. 20005
(202) 772-8555 (Sterne)
Rsterne-PTAB@sternekessler.com

KENT CHAMBERS, ESQ.
Terrile, Cannatti & Chambers LLP
11675 Jollyville Road, Suite 100
Austin, Texas 78759
(512) 338-9100
kchambers@tcciplaw.com

The above-entitled matter came on for hearing on Friday, September 16, 2022, commencing at 3:40 p.m. PT, at the University of Oregon School of Law, Portland Campus.

PROCEEDINGS

- - - - -

3:41 p.m.

JUDGE TURNER: Hello, everyone. As part of the introduction, we are here for oral argument for IPR 2021-01055, Configit v. Versata Development Group, involving U.S. Patent No. 6,386,766.

The panel would like to thank the University of Oregon Law School for its hospitality in hosting this oral hearing. I am Judge Turner and with me today are Judges Stephens and Ippolito. We're going to start off with appearances, and I've already talked to counsel and asked them to please come to the microphone in the center so we can get everything on the record.

So we'll start with appearances. And starting off with Petitioner, please enter your appearance in the record if you could, please, stating who's speaking and such.

MR. SHNEIDMAN: Thank you, Your Honors. My name is Jeffrey Shneidman on behalf of the Petitioner, with the law firm Fish & Richardson, joined by my colleague today and lead counsel in this case, Kenneth Darby.

JUDGE TURNER: Thank you. And from Patent Owner, please.

MR. CHAMBERS: For the Patent Owner, I'm Kent Chambers. I'm a partner with Terrile, Cannatti & Chambers, and I'll be speaking.

At the table with me is James Hietala with Sterne and Kessler and also Rob Sterne from Sterne and Kessler.

JUDGE TURNER: Thank you very much. I'm going to set forth the procedure for the oral hearing today that we're going to be going through which -- at the party's request were part of the oral hearing order which was paper 22.

1 Each party will have 45 minutes of total argument. We'll begin with
2 Petitioner who will be presented its case with regard to the challenged claims
3 and the grounds set forth in the petition.

4 The Petitioner may reserve time for rebuttal. When Petitioner comes
5 up to speak if they can let me know which time they want to save for rebuttal,
6 I will endeavor to try and provide you with a five-minute warning. When
7 you get close to that time, then a two-minute warning in the rebuttal period.

8 Patent Owner may respond to Petitioner's argument and may reserve
9 time for surrebuttal as well. Petitioner may then present its rebuttal followed
10 by Patent Owner's surrebuttal. Please note that rebuttal arguments are limited
11 to rebutting issues raised in the opposing sides; arguments and are not to be
12 used to initiate new arguments.

13 I've already talked about that I will attempt to try and keep time.
14 When it's your turn, please let me know how much time you want for
15 rebuttal.

16 Just a few couple more things before we go. It is my understanding
17 that we're not discussing any information that the parties deem confidential in
18 this hearing.

19 I know that there was some information under seal. I'll ask Petitioner
20 when you come up if -- I assume, from going through the demonstratives,
21 there's nothing we're discussing today. Obviously, this hearing is open to the
22 public. So please keep that in mind. We've got a lot of public here today.

23 Second, please be clear as possible during your argument regarding
24 what slide you may be referring to or what exhibit so that the record is clear
25 and that we may follow along.

1 We have the demonstratives in front of us. So there's no need to
2 provide us any additional copies unless you deem to do so.

3 Last but not least, we're also going to go off the record briefly at the
4 end of the hearing to see if the court reporter needs any spellings or other
5 clarifications before adjourn.

6 So with that, we will proceed unless let me just -- any questions before
7 we proceed from Petitioner? Any questions from Patent Owner's counsel?
8 Any questions?

9 Okay. Petitioner, you may proceed when ready.

10 MR. SHNEIDMAN: Thank you, Your Honors. And I'd like to
11 reserve 15 minutes for rebuttal.

12 So as I introduce myself, we have the honor of representing the
13 Petitioner, Configit A/S in this IPR trial for the '766 patent. And that patent
14 is assigned to Patent Owner Versata.

15 Moving to slide 2, the '766 patent concerns testing in a product
16 configurator. The product configurator software, I'd like to thank Simone
17 for the introduction, is software that allows a user to customize a product for
18 manufacture or purchase.

19 And such software has been used since the 1980s. Product
20 configurators allow users to configure complex systems such as airplanes or
21 automobiles or elevators or whatever.

22 And on the screen, here is an example of one of the pieces of prior art
23 that's used in the petition. This is the salesPLUS reference, Exhibit 1006.

24 Now one example I'd like to call out is if you wanted to buy a car as
25 one type of thing you might configure, you can imagine that you might want
26 to go and buy a car with heated seats.

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.