

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS, LLC,
Petitioner,

v.

MEMORYWEB, LLC,
Patent Owner.

IPR2021-01413
Patent 10,621,228 B2

CONFIDENTIAL
Record of Oral Hearing
Held: December 16, 2022

BEFORE: LYNNE H. BROWNE, NORMAN H. BEAMER, and
KEVIN C. TROCK, Administrative Patent Judges.

IPR2021-01413
Patent 10,621,228 B2

A P P E A R A N C E S

ON BEHALF OF THE PETITIONER:

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ALSO PRESENT:

Mr. Schwartz and Mr. Christopher
Charles Slay, Host

The above-entitled matter came on for hearing on, Friday,
December 16, 2022, commencing at 2:29 p.m. EST, by video/by telephone.

IPR2021-01413
Patent 10,621,228 B2

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

2 JUDGE TROCK: We are back in session on
3 IPR2021-01413, concerning U.S. Patent Number 10,621,228,
4 in the matter of Unified Patents v. MemoryWeb.

5 This is a confidential hearing session. I have
6 received confirmation that the public line has
7 been disconnected.

8 Petitioner, you have reserved ten minutes for
9 this confidential section, and so has Patent Owner.

10 So with that, Petitioner, if you would
11 make appearances, you may proceed.

12 MR. MANSINGHANI: Thank you, Your Honor. This
13 is Roshan Mansinghani. I was introduced earlier by my
14 co-counsel, Ellyar Barazesh. I will be presenting for
15 Unified during this portion of the hearing.

16 Would you like me to begin now?

17 JUDGE TROCK: Would you like to reserve any of
18 the ten minutes for rebuttal?

19 MR. MANSINGHANI: Yes, five minutes for
20 rebuttal.

21 JUDGE TROCK: Okay. You may begin.

22 MR. MANSINGHANI: Thank you.

23 During this portion of the hearing, the issue

IPR2021-01413
Patent 10,621,228 B2

1 at hand is whether Unified is the sole real
2 party-in-interest in this proceeding from on behalf of
3 Petitioner.

4 Turning to slide 55 of our presentation, we
5 believe that we are the sole real party-in-interest, and
6 have laid out the major reasons why this is the case.
7 Especially when considering the -- the precedent that
8 has been issued both from this Board as well the Federal
9 Circuit.

10 First, Unified solely directed control of and
11 funded this IPR. Unified operates completely
12 independently when filing it challenges, and it
13 certainly did not act at the behest of anyone else. The
14 evidence demonstrates that, and the evidence in this
15 case is essentially one way. There was no pre-filing
16 communications at all, no post-filing communications
17 with any of the alleged real parties-in-interest other
18 than routine public -- publicly facing emails that
19 announced our actual filings.

20 In terms of actually which patents to select,
21 and which patents to challenge, Unified exercised its
22 sole and absolute discretion. There has been no
23 coordination with anyone outside of Unified, much less
24 the alleged real parties-in-interest brought forth by

IPR2021-01413
Patent 10,621,228 B2

1 the Patent Owner.

2 The members of Unified do not exercise any form
3 of direction or control, and they can't control Unified
4 funding since members fund Unified by paying Unified a
5 one-time-a-year annual fee.

6 Given all these facts, and none of these facts
7 are actually in dispute, the Federal Circuit, in a case
8 not involving Unified, has indicated that -- that to
9 find another party as a real party-in-interest just
10 legally and sufficient, and we have that case cited for
11 you here on slide 55.

12 Turning to slide 56, this case also has some
13 interesting aspects that further confirm Unified is the
14 sole real party-in-interest. First, there was no time
15 bar when Unified filed its Petition with any other --
16 with respect to any other party. And further, the
17 allegedly unnamed real parties-in-interest that the
18 Patent Owner contends should be named here themselves
19 filed their own petitions.

20 And we think that's significant for multiple
21 reason. One, it demonstrates there was no coordination
22 or -- or us filing on their behalf since they filed
23 their own.

24 Second, Patent Owner itself has indicated

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