

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

THE DATA COMPANY TECHNOLOGIES INC.,
Petitioner,

v.

BRIGHT DATA LTD.,
Patent Owner.

IPR2022-00135
Patent 10,257,319 B2

Record of Oral Hearing
Held: March 1, 2023

Before THOMAS L. GIANNETTI, SHEILA F. McSHANE, and
RUSSELL E. CASS, *Administrative Patent Judges*.

IPR2022-00135
Patent 10,257,319 B2

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The above-entitled matter came on for hearing on Wednesday,
March 1, 2023, commencing at 11:00 a.m. EST, via Video-conference.

P R O C E E D I N G S

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11:00 a.m.

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4 USHER: All parties are connected. Please unmute your mic when
5 you're ready to present. Thank you.

6 JUDGE CASS: Good morning, everyone, I am Judge Cass and with
7 me today I have Judges Giannetti and McShane.

8 This is the oral hearing in IPR 2022-00135 involving U.S. Patent No.
9 10257319.

10 Why don't we begin by having an identification from each side of
11 who is on the line. So Petitioner's Counsel, why don't you proceed first.

12 MR. RADER: Thank you, your Honor. My name is Michael Rader
13 from Wolf Greenfield on behalf of the Petitioner.

14 And Adam Wichman, my colleague is here as well and will be
15 presenting as well.

16 JUDGE CASS: Thank you. Why don't we turn to Patent Owner.

17 MR. DUNHAM: Good morning, your Honors, this is Tom Dunham
18 with Cherian LLP on behalf of Patent Owner. And with me are my
19 colleagues Robert Harkins and Elizabeth O'Brien.

20 And Mr. Harkins will be presenting and Ms. O'Brien may be
21 presenting, depending on the issues that come up. And I will of course
22 present as well.

23 JUDGE CASS: Thank you, Counsel.

24 As we discussed in our prehearing conference last Friday, this case
25 has many similarities to IPR 2022-00138, which was heard on February 10
26 of 2023.

1 So to promote efficiency here, we will enter the hearing transcript
2 and demonstratives from the hearing in the 00138 case since the record for
3 this case -- once the transcript for that case becomes available.

4 So accordingly, the parties do not need to repeat during this hearing
5 arguments that were presented during the hearing in the 00138 case.

6 As we also discussed in our prehearing conference, each party has
7 agreed that it will have 45 minutes to have time to present its arguments.
8 Petitioner will proceed first, followed by Patent Owner's response.

9 Petitioner may reserve time for rebuttal, and then we'll proceed to
10 rebuttal to respond to Patent Owner's presentation.

11 And finally, Patent Owner may use any of its remaining time for a
12 surrebuttal responding to Petitioner's rebuttal arguments only.

13 Let me go through a few things before we begin. First of all, there's
14 going to be a public line for this case. We're not aware of any confidential
15 information that may be discussed. But if that's not the case, please speak
16 up.

17 Please keep your microphones muted when you're not speaking.
18 When it's your turn to argue, please speak slowly and if you hear another
19 voice, please stop so that we don't talk over each other.

20 If either party believes that the other party is presenting an improper
21 argument, please raise that issue during your presentation. Do not object at
22 the time and interrupt the other party's presentation.

23 I will keep time and can give you a warning when you've gone into
24 rebuttal time if you'd like.

25 I also want to let you know we've received the parties' demonstrative
26 exhibits and are able to view them on our screens. To ensure that the

1 transcript is clear and that everyone can follow along, please refer to your
2 demonstratives by slide number.

3 We've also received Petitioner's objections to Patent Owner's
4 demonstratives. For purposes of this hearing, Patent Owner may present its
5 slides and we will reserve a ruling on Patent Owner's objections and rule on
6 them in due course.

7 Are there any questions from the parties before we begin?

8 MR. RADER: Not from Petitioner.

9 JUDGE CASS: All right, then why don't we start with Petitioner.
10 Counsel for Petitioner, would you like to reserve time for rebuttal?

11 MR. RADER: Yes, we'd like to reserve 10 of our 45 minutes for
12 rebuttal, please.

13 JUDGE CASS: All right. With that, please proceed.

14 MR. RADER: Thank you very much, your Honors, for the
15 opportunity to present again. Per your instructions, we will ensure that we
16 avoid duplication, at least we hope to.

17 In fact, in our affirmative presentation, you will hear mostly from
18 Mr. Wichman, who is planning to address the dependent claims since we did
19 not have an opportunity to talk about those at the last hearing. So that will
20 not be duplicative.

21 For my part, I'm just going to address one issue on claim
22 construction, which I did not have the opportunity to speak about last time.
23 And that's the Patent Owner's argument that you should adopt a narrow
24 claim construction for purposes of preserving the validity of the claims.

25 And then I'll comment on one very small issue regarding the
26 Plamondon reference as well.

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