

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD,
Petitioner,

v.

MEMORYWEB, LLC,
Patent Owner.

IPR2022-00222
Patent 10,621,228 B2

Record of Oral Hearing
Held Virtually: March 16, 2023

Before LYNNE H. BROWNE, NORMAN H. BEAMER, and
KEVIN C. TROCK, *Administrative Patent Judges*.

IPR2022-00222
Patent 10,621,228 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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ALSO PRESENT, OBSERVING:

MR. CHRISTOPHER
MR. SCHWARTZ

The above-entitled matter came on for hearing on Thursday, March 16, 2023, commencing at 1:00 p.m. EDT, via video-conference.

PROCEEDINGS

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3 JUDGE BROWNE: Hello everyone. We're here for oral
4 argument in IPR2022-00222. I'm Judge Browne, and with me are Judges
5 Beamer and Trock. Before we begin, I have a few housekeeping -- items to
6 go over. As this is a video conference, we ask that you identify yourself
7 before speaking, and if you are referring to a demonstrative, that you state the
8 number of the slide you are referring to. There is a court reporter in
9 attendance, and we request that counsel remain for a few minutes after
10 arguments are submitted for the Court -- in case the court reporter has
11 questions. Each party has 45 minutes of total argument time. Please indicate
12 how much time you would like to reserve for rebuttal after you make your
13 appearance, and also, as a reminder, we will be holding a conference after
14 this hearing. We're now on the record and I will begin with appearances.
15 Who is here for Petitioner?

16 MR. RENNER: Well, thank you Your Honor. This is Karl
17 Renner. I'm joined by Jeremy Monaldo and Hyun Jin In.

18 JUDGE BROWNE: And do you want to go ahead and tell me
19 how much time you'd like to reserve for rebuttal?

20 MR. RENNER: Yes, I'd like to reserve 20 minutes please.

21 JUDGE BROWNE: All right. And Patent Owner, who is --
22 well, who is here?

23 MS. HAYES: Good afternoon, Your Honors. Jennifer Hayes
24 from Nixon Peabody for Patent Owner. I will be handling the argument
25 today, but with me in the room today is Mr. Werber, and Mr. Christopher and
26 Mr. Schwartz are also attending via the public line.

1 JUDGE BROWNE: Okay, great, and you can tell me how
2 much time you'd like to reserve before you begin.

3 MS. HAYES: I will --

4 JUDGE BROWNE: We'll make every effort to take -- to keep
5 track of time and let you know when you are down to about five minutes.
6 That said, we're -- I think we're ready to go. Petitioner, you may start when
7 you are ready.

8 MR. RENNER: Thank you, Your Honor. I'll begin and Mr.
9 Monaldo will be following. I'll be addressing at the front end, the noted RPI
10 issues that were in the briefing, and Mr. Monaldo will be handling the more
11 substantive issues thereafter. I appreciate the Board's email and clarification
12 work today's hearing that we're going to be not addressing the requests that
13 were made by MemoryWeb two days ago in its March 14 email. But instead
14 we'll be focusing today's hearing on the substance end those RPI issues that
15 were -- in the briefing and I'll be trying to maintain a clean line on that so --
16 on that regard. As the email authorized the parties to address that real party
17 and -- issues that were briefed. I wanted to make a couple of observations at
18 the front end.

19 In the Patent Owner's arguments, we wanted to note that in
20 them, MemoryWeb has neither alleged nor submitted any evidence that
21 informed the existence of an RPI relationship between Samsung or any other
22 party, including Unified, in this proceeding. Back, as we've noted in our
23 Petitioner's reply, and that's at Pages 24 and 25 of the reply. It's a relatively
24 short section, as was the handling of the issue with them in the Patent
25 Owner's response. What you see is that MemoryWeb -- the comments has
26 neither alleged nor submitted evidence of direction, control, joint funding, or

1 any relevant communication or coordination between Samsung and the other
2 entity.

3 And rather, the relevant pages of the Patent Owner's response, if
4 you look at them, instead speculated over the impact of perspective findings
5 in an unrelated proceeding to this, and they offered theories that were
6 premised on conditions, and that would be an RPI finding in that other
7 proceeding. They were not even in existence at the time, and I'll -- read two
8 relevant excerpts from that just to highlight them. And one is just said --

9 (Simultaneous speaking.)

10 JUDGE TROCK: I'm sorry. Before you continue, this is Judge
11 Trock.

12 MR. RENNER: Uh-huh.

13 JUDGE TROCK: You indicated that this other proceeding was
14 unrelated. It appears to us, or at least to me, that it is related to the fact that it
15 covers the exact same patent, the '228 patent. Is that correct?

16 MR. RENNER: Certainly, Your Honor. Absolutely.

17 JUDGE TROCK: All right. And so, in Petitioner's indication
18 of related proceedings, that proceeding is listed, is it not?

19 MR. RENNER: Yes sir. I believe that it is. I have to just check
20 with them.

21 JUDGE TROCK: So then, at least as far as the record is
22 concerned, it appears that the proceedings are related, correct?

23 MR. RENNER: Your Honor, as it relates to the same patent,
24 and frankly, the same Patent Owner as well. Samsung wasn't involved in that
25 proceeding and that's the relationship that I'm referring to, so --

26 JUDGE TROCK: Right, but that was not my question.

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