

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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AMAZON.COM, INC., AMAZON WEB SERVICES, INC., and  
AMAZON.COM SERVICES LLC,  
Petitioner

v.

WAG ACQUISITION, L.L.C.,  
Patent Owner.

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IPR2022-01430 (Patent 9,742,824)  
IPR2022-01433 (Patent 9,762,636)

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Record of Oral Hearing  
Held: December 12, 2023

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Before HUBERT C. LORIN, JOHN A. HUDALLA, and STEVEN M.  
AMUNDSON, *Administrative Patent Judges*.

IPR2022-01430 (Patent 9,742,824)  
IPR2022-01433 (Patent 9,762,636)

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The above-entitled matter came on for hearing Tuesday December 12, 2023, commencing at 10:00 a.m. EST.

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

10:00 a.m.

JUDGE LORIN: This is an oral hearing covering two cases, IPR2022-01430 and 01433. IPR2022-01430 concerns U.S. Patent 9,742,824. And the 1433 case concerns U.S. Patent 9,762,636. In both cases, Petitioner is Amazon.com, Inc. et al., and Patent Owner is WAG Acquisition, LLC. I'm Judge Lorin. I'm accompanied by Judge Hudalla and Judge Amundson. And Judge Amundson will appear remotely by video. Let's begin with counsel. Petitioners, please introduce yourself.

MR. HOFFMAN: Hi, I'm Brian Hoffman for Amazon. With me is Kevin McGann and Johnathan Chai.

JUDGE LORIN: Mr. Hoffman, will you be arguing for Petitioner?

MR. HOFFMAN: Yes.

JUDGE LORIN: Very good. Patent Owner?

MR. ABRAMSON: I'm Ronald Abramson for the Patent Owner, WAG Acquisition, LLC. And with me is Michael Lewis.

JUDGE LORIN: Mr. Abramson, will you be -- will you be arguing for Patent Owner?

MR. ABRAMSON: Yes, I will.

JUDGE LORIN: All right, very good. Thank you so much. Welcome to the Board.

MR. ABRAMSON: Thank you.

JUDGE LORIN: All right, let's go through some preliminaries. We stated in our hearing order of November 1st that each party would be given a total of 60 minutes to present their argument. Petitioner will proceed first. Patent owner will respond. Using any reserved rebuttal time, Petitioner may

1 respond to Patent Owner's case. And finally, using any reserved surrebuttal  
2 time, Patent Owner may respond to Petitioner's rebuttal argument. We  
3 received demonstratives from both parties. We noticed that Petitioner  
4 objected to slides 13 and 19 of Patent Owner's demonstratives. We will not  
5 be ruling on them today, but we take the objections under advisement.

6 The panel reminds the parties that demonstratives will be considered  
7 only to the extent they are helpful to the Board, that they articulate positions  
8 taken during the hearing and reflect arguments and evidence that was made  
9 of record during the trial. We ask that each presenter identify clearly and  
10 specifically each demonstrative exhibit by slide or screen number to ensure  
11 clarity in the transcript. As you speak, please bear in mind that Judge  
12 Amundson is attending the hearing by video. And also, remember that this  
13 hearing is open to the public and a full transcript of the hearing will become  
14 part of the record. Okay. Let's begin. Counsel for the Petitioner, you may  
15 begin. Would you like to reserve any rebuttal time?

16 MR. HOFFMAN: Yes. 20 minutes, please.

17 JUDGE LORIN: All right, thank you so much. You may proceed.

18 MR. HOFFMAN: All right. Slide 2, please. Good morning, Your  
19 Honors. As you noted, we're here to discuss two patents, the 824 patent and  
20 the 636 patent. There are the same issues and arguments for both patents.  
21 I'm going to show you today that the Carmel reference stores the slices that  
22 makeup the stream in separate files. That the experts agree that the most  
23 common way for a client to request separate files is by using separate GET  
24 requests. And then the challenged patents are invalid as a result.

25 So slide 3, please. So the challenged patents relate to streaming media  
26 from a server to a user system, which I often refer to as a client. The media

1 is divided into a sequence of elements having unique identifiers. And the  
2 user systems request the elements using the identifiers. This is called a  
3 client pull system because the clients request the elements from the servers  
4 using the identifier. And then the server sends the elements in response to  
5 the request. So that's a pull system.

6 The challenged patents also have what we call the rate limitation  
7 which is shown at the bottom of slide 3, which says that the data connection  
8 between the server and the user system has a data rate more rapid than the  
9 playback rate. Meaning that the server can send data to the client in less  
10 time than it takes the client to play back that data. So slide 4, please. Both  
11 petitioners challenge all claims of both patents using a combination of three  
12 references, Carmel, Willebeek, and Feig. And we'll be talking about Carmel  
13 and Feig today. Willebeek doesn't come up in any of the disputed issues.

14 Slide 5, please. So we have three limitations in dispute today. The  
15 first limitation, H, is the rate limitation that we just discussed. The next  
16 limitation is J, which says the media data elements sent are selected without  
17 depending on the server system maintaining a record of the last media data  
18 element sent. And limitation K says all of the media data elements sent by  
19 the server are sent in response to requests. So, elements -- limitations J and  
20 K describe the pull aspect of the claims. J is saying that the server doesn't  
21 need to track the elements that are sent to the client because the -- it's only  
22 responding to client requests. Element K says that the server only sends a  
23 request to elements. That reflects the pull nature of the claims.

24 Slide 6, please. So, what we're going to discuss today is that a  
25 POSITA would have understood that both the Carmel and Feig references  
26 disclose the pull system. POSITA would have been motivated to combine

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