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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZOHO CORPORATION and
ZOHO CORPORATION PVT., LTD.,
Petitioner,

v.

MEETRIX IP, LLC,
Patent Owner.

IPR2023-00371 (Patent 8,339,997 B2)
IPR2023-00377 (Patent 9,253,332 B2)
IPR2023-00378 (Patent 9,094,525 B2)
IPR2023-00379 (Patent 9,094,525 B2)
IPR2023-00380 (Patent 9,843,612 B2)
IPR2023-00382 (Patent 9,843,612 B2)

Record of Oral Hearing
Held: April 25, 2024

Before KARL D. EASTHOM, BRIAN J. McNAMARA,
CHARLES J. BOUDREAU, and KARA L. SZPONDOWSKI,
Administrative Patent Judges.

IPR2023-00371 (Patent 8,339,997 B2)
IPR2023-00377 (Patent 9,253,332 B2)
IPR2023-00378 (Patent 9,094,525 B2)
IPR2023-00379 (Patent 9,094,525 B2)
IPR2023-00380 (Patent 9,843,612 B2)
IPR2023-00382 (Patent 9,843,612 B2)

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The above-entitled matter came on for hearing on Thursday, April 25, 2024, commencing at 1:00 p.m., via video teleconference.

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

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3 JUDGE EASTHOM: Good afternoon. I'm Judge Easthom.
4 Judges McNamara, Boudreau, and Szpondowski are on this call, remote
5 video hearing for Zoho Corporation and Zoho Corporation Pvt., Ltd.,
6 Petitioners, versus Meetrix LLC, Patent Owner, which involves six separate
7 trials, IPR2023-00371, -00377, -00378, -00379, -00380, and -00382.
8 This hearing is not an expanded panel of four judges rather there
9 are three judges per case. In other words, each panel separately granted the
10 parties' joint request to argue the six cases together today in this
11 consolidated hearing. We appreciate the parties' willingness to be here by
12 video.
13 If you have a problem hearing or seeing anything, please let us
14 know, and if disconnected, try to reconnect using the original sign in link or
15 call-in number. When you are not speaking, please mute yourself, and
16 please introduce yourself when you begin speaking, and please pause briefly
17 when you refer to a slide or a location in the record, so the record can be
18 clear and the court reporter can get a good transcription.
19 We're going to have one transcription for all six of these cases to
20 be entered into the record. Each party has two hours to present their case.
21 Petitioner has the burden of proving unpatentability and will proceed first,
22 followed by Patent Owner, and then followed by the respective rebuttals by
23 each party, if reserved. The parties in these cases stipulated to the following

1 order of issues for this hearing. First, there were issues common to
2 IPR2023-00377, 378, 379, 380, and 382, and then the second issue, were
3 those issues unique to the 378 and 379 hearings. And then third, there were
4 separate issues regarding 371 the parties wanted to break out. Petitioner,
5 please enter your appearance for the record.
6 MR. MARTON: Good afternoon. My name is Ryan Marton
7 on behalf of the petitioner, Zoho Corporation and Zoho Corporation Private
8 Limited. With me is Hector Ribera and Carolyn Chang.
9 JUDGE EASTHOM: Welcome. And Mr. Marton, will you be
10 presenting today, or --
11 MR. MARTON: Yes. I'll be presenting initially, then Ms.
12 Chang will present, and then Hector Ribera will present.
13 JUDGE EASTHOM: Okay. And why don't we get
14 appearances from Patent Owner at this time, please?
15 MR. DINOVO: Yes. Good morning, or good afternoon,
16 depending on where you're located in the country. My name is Drew
17 DiNovo, and I have with me Mike French. We will both be presenting on
18 behalf of the Patent Owner. Generally speaking, I'm going to be presenting
19 for the first category that you identified, Your Honor, and Mr. French will be
20 presenting relative to categories two and three.
21 JUDGE EASTHOM: Okay. Thank you, Mr. DiNovo. And
22 then Mr. Marton, we were contemplating this is going to be kind of a long
23 day. So, we were wondering, did you want to handle issues one and two

1 first, and then we would hear from Patent Owner with their response, and
2 then the following rebuttals, and then you handle 371? What were you
3 thinking?
4 MR. DINOVO: However the parties -- o
5 MR. MARTON: Our preference was to handle all Petitioner's
6 issues, then let the Patent Owner go, and then we would do our rebuttal on
7 all issues.
8 JUDGE EASTHOM: Okay. And is that what you were
9 expecting, Mr. DiNovo? Is that fine with you?
10 MR. DINOVO: I think that's fine. I personally have a hard
11 time keeping attention for that many different issues, but whatever Your
12 Honor prefers, or the group of judges prefers. But I think that's fine with us.
13 JUDGE EASTHOM: Okay. Well, why don't we plan then on
14 taking a short break after Petitioner presents his case in chief, and then we'll
15 plan on another one after your case in chief, Patent Owner, and then we'll
16 finish up. So, with that, Petitioner, it's about 12:04. Why don't we get
17 started?
18 MR. MARTON: Thank you. This is Ryan Marton, again for
19 the Petitioners. We have two hours. We understand we have two hours to
20 present our case. We're going to reserve 40 minutes for rebuttal.
21 JUDGE EASTHOM: Okay. Let's make it 12:05 start time.
22 That's easier math for us. So, you have 40 minutes rebuttal. Thanks.
23 MR. MARTON: Thank you. So as the Board has already

1 acknowledged, there are four patents at issue in this case -- the ’332 Patent,
2 the ’525 Patent, the ‘612, and the ‘997. There are six IPR petitions on these
3 four patents. These four patents are all related. They’re in the same family.
4 They all claim priority to the same March 10th, 2003 provisional
5 application. And despite minor differences in some of the claims, the
6 overall technology across all four patents is the same.
7 At a high level, the patents are directed to conferencing technology
8 over hybrid networks, and what I mean by hybrid networks is there are some
9 clients in the conferencing system that are on PSTN, traditional phones, and
10 other clients that are on internet-based computer technology. And the patent
11 is directed to conferencing that -- oh, I’m not showing slides. Do you mind
12 if I share my screen?
13 JUDGE EASTHOM: That’s fine. We also have the slides.
14 You don’t have to share them. But it’s totally up to you.
15 MR. MARTON: I’ll share them.
16 JUDGE EASTHOM: Okay. Perfect.
17 MR. MARTON: I think that works. So I’m looking at Slide 4
18 now, and this is Figure 3 from the ’332 Patent. It’s a common figure across
19 all four patents, and it reflects the hybrid system with PSTN clients marked
20 here in the green, and then internet-based computer clients in the rose or red
21 color. That’s the basic technology across all four patents. Some of the
22 claims include other features, and I’ll talk about those at a high level. But
23 before I do, just making it abundantly clear that the notion of a hybrid

1 network conferencing system was not new as of 2003. Our two primary
2 references, Knappe and Drell, which cut across all petitions, are both
3 directed to hybrid network conferencing technology.
4 Here I'm looking at Slide 5. On the left there is Figure 1 of the
5 Knappe reference, and just like the Meetrix patents, there is a hybrid
6 network reflected here. There is a PSTN client, and then there are internet-
7 based communication devices. Similarly, here on the right of Slide 5 is
8 Figure 1 from the Drell reference, and again, it's a hybrid network with a
9 PSTN client and internet-based computer clients. So, this was well known,
10 and there are other references, including Elliott, which we rely on for most
11 of our grounds, also a hybrid network conferencing system.
12 Now, I had mentioned that the claims include other technical
13 elements. One of the sort of dominant ones across all of the patents is the
14 use of VPNs and VPN tunneling for securing communications. VPN tunnels
15 were known as of 2003, and in fact regularly used in hybrid network
16 conferencing systems. I have here on Slide 6 an excerpt from Dr. Houh,
17 our -- or Dr. Houh, our expert in all the petitions, explaining, which he did in
18 great detail, how VPNs were known for secure exchange of data between
19 different locations, but they could be implemented using a tunneling
20 technique.
21 This technology was not just known, but it was in fact used across
22 hybrid network systems, hybrid network conferencing systems, well before
23 2003. Tunneling --

1 JUDGE BOUDREAU: Before we go on -- this is Judge
2 Boudreau -- if we could go back to the previous slide for a minute, Slide 5?
3 I'm sorry. Slide 6. It appears that Dr. Houh is defining VPN here as a
4 network in which customer connectivity amongst multiple sites is deployed
5 on a shared infrastructure with the same access or security policies as a
6 private network, and it looks like some of that definition is coming from the
7 VPN textbook, which is in the record as Exhibit #1010.
8 We also have in the record, as Exhibit #2002, a claim construction
9 order from the District Court from the Western District of Texas, a case
10 between Meetrix and Citrix. In that case, the Court construed VPN as a
11 private network of securely connected appliances configured within a public
12 network. That's at page 15 of Exhibit #2002. Why shouldn't we apply that
13 construction?
14 MR. MARTON: I think either construction works. I think the
15 construction from the litigation, the prior litigation is broader. I don't think
16 it impacts the analysis either way. I mean, the bottom line is VPNs are well-
17 known technology, were well-known technology before 2003, as is reflected
18 by the fact that there's a textbook about them, and there's standards related
19 to them. And there's countless references that describe use of VPNs in the
20 context of conferencing technology.
21 We were not involved, Zoho was not involved in that claim
22 construction process that resulted in the construction from the Western
23 District of Texas. We don't actually have a problem with that construction.

1 I think it may be overly broad, but it doesn't impact our analysis in any way.
2 JUDGE BOUDREAU: Thank you. And then I'll have a
3 similar question with respect to the next slide, which refers to VPN tunnels.
4 That was also a term that was construed by the District Court in the Western
5 District of Texas.
6 MR. MARTON: This construction or definition, the definition
7 in Slide 7 used by Dr. Houh is actually correctly consistent with the
8 construction implemented, or ruled on by the Western District of Texas, the
9 notion being that tunneling is just encapsulation of one packet. That's
10 basically it. So there's no difference between how Dr. Houh applied
11 tunneling and how the Western District of Texas construed it, so we're fine
12 with either construction.
13 JUDGE BOUDREAU: Okay. Thank you.
14 MR. MARTON: In fact, I see them as the same construction.
15 JUDGE SZPONDOWSKI: Does Petitioner dispute any of the
16 constructions advanced by Patent Owner?
17 MR. MARTON: I mean, we don't concede that they're the
18 right constructions. We don't think that any of the constructions impact the
19 analysis.
20 JUDGE SZPONDOWSKI: Okay. Thank you.
21 MR. MARTON: If that's helpful.
22 JUDGE SZPONDOWSKI: Yes.
23 MR. MARTON: I think the VPN construction is too broad.

1 There's a number of other constructions that are not relevant, that I haven't
2 really looked at for the petitions. But overall, we don't see the constructions
3 impacting the analysis for any of the petitions.
4 JUDGE MCNAMARA: So Counsel, this is Judge McNamara.
5 Just to confirm, then, as at least the Petitioner's view is that we don't need to
6 construe any terms, because basically we apply their plain and ordinary
7 meaning to one of ordinary skill; is that right?
8 MR. MARTON: That's exactly right. That's exactly right.
9 JUDGE MCNAMARA: Okay. All right. Thank you.
10 JUDGE EASTHOM: And Mr. Marton, just to satisfy my
11 curiosity, I noticed in the District Court, your friends didn't argue that VPN
12 required encryption. In fact, they argued that it didn't, if I remember right.
13 Is that the reason you say it's too broad, as you think it doesn't require
14 encryption?
15 MR. MARTON: That's part of the reason. I would want to
16 analyze it more fully if I were arguing a full claim construction of VPN, but
17 I think a VPN is a pretty well-known set of technology, and the claim
18 construction in the District Court was just broad. Let me take a look at
19 exactly what they say. It's a private network of securely connected
20 appliances, configured within a public network. That doesn't illuminate
21 things for me particularly well.
22 I'm not really sure. I mean, it could cover any level of security
23 within a public network, arguably, which I think a VPN is a little bit more

1 narrow. Encryption is an important part, I think, but -- yes. Okay. Any
2 other questions before I move on?
3 JUDGE EASTHOM: No. Thank you.
4 MR. MARTON: Okay. In any case, use of tunneling in VPN
5 technology was well-known before 2003, and in fact was used in the context
6 of hybrid conferencing systems well before 2003, and we will go over that
7 next. Then there's other claims within the patents that have codecs for
8 compression. Again, like VPNs, the use of codecs for compression was
9 well-known by 2003, and in fact, the use of codecs for compression of
10 audio, video, and collaboration data in the context of hybrid networks
11 conferencing technology was well-known before 2003. I'm looking at Slide
12 8, and this is an excerpt from Dr. Houh's declaration explaining that audio
13 and video compression were well-known concepts and were in fact
14 standardized a long time before 2003.
15 And then as a final technical element that's found in some of the
16 claims -- and I think this may just be in the '997 Patent -- there's the notion
17 of multicasting in the context of a hybrid network. And multicasting, like
18 VPNs, like codecs, were well-known before 2003, was well-known before
19 2003, and implemented in the context of hybrid networks.
20 Here on Slide 9, this is a standard from the '80s related to
21 multicasting, and the notion is that a copy of a datagram is sent to a
22 multicast router, and then distributed -- it's multiple copies are made of that
23 datagram, and they're all sent out to a group that have a group address. And

1 that's multicasting. Very well-known and applied before 2003 in the context
2 of hybrid networks, hybrid network conferencing systems.
3 Now, given the amount of time we have and the number of issues,
4 Petitioner does not intend to go through each and every claim element of all
5 the grounds. In this time, I just don't think that's a good use of anyone's
6 time at this point. We will rely on our petitions and the exhibits attached
7 thereto to carry our burden. Instead, what we're going to do is we're going
8 to address what we think are the large issues that Patent Owner has raised in
9 opposition to the petitions. And as we mentioned in our earlier filing, we
10 will address common issues that cut across multiple petitions and grounds
11 first, and then address issues that are particular to individual petitions and
12 grounds after that.
13 On Slides 11, 12, 13, and 14, we just have reprinted all the grounds
14 of institution, and we can refer back to those if needed. Before we get into
15 the issues that Patent Owner has raised, I'd like to address our primary
16 references that actually cut across every single ground in all the petitions,
17 just to give a little technical context beyond what we've just talked about,
18 though frankly it is a little repetitive of what I just talked about. But
19 nonetheless, so as I noted before, before 2003, hybrid network conferencing
20 systems were well-known, and our primary references reflect that.
21 Every single one of our grounds has either Knappe or Drell or
22 Knappe and Drell as a primary reference. Knappe is a communication
23 system that's used for transmitting audio, video, voice data and other

1 suitable types of real-time or non-real-time traffic between source and
2 destination end points, and those end points are PSTN clients, as well as
3 computers connected to the internet.
4 Similarly, Drell is a conferencing system with a network that
5 allows for PSTN and internet-based clients to communicate and share data
6 and video and voice. The next reference, that is common to almost every
7 ground in all the petitions is Elliott, and Elliott, like Knappe and Drell, is
8 also a hybrid network conferencing system. The summary of invention
9 explains the present invention, provides a method and system for
10 communicating with a plurality of remote parties. It allows for multimedia
11 collaboration. This reference also has the ability to connect PSTN clients
12 with computer-based internet clients, and this reference also discloses the
13 use of VPNs and IP tunneling for securing the communications between the
14 various clients.
15 The last reference that I'm going to refer to in this section is the
16 VPN textbook. This VPN textbook is always used in conjunction with
17 Elliott, and it describes some of the details of the most common topology in
18 a VPN network, and that's as described in the textbook, the textbook hub
19 and spoke or star topology, where there are multiple remote sites connected
20 to a central distribution router.
21 Now, one of the arguments that Meetrix raises in four of the IPRs,
22 the 377, the 378, the 382, and the 371, is that the VPN textbook should not
23 be considered by the Board, because other Cisco publications -- not this

1 publication, but other Cisco publications -- were presented during the
2 prosecution of the challenged patents. We disagree with Meetrix that that
3 somehow precludes the Board's consideration of this reference. I mean, that
4 other Cisco published textbooks were considered during prosecution has no
5 bearing on whether the disclosures in the VPN textbook should be
6 considered in this context. There is no law, case law, any law that precludes
7 the Board from considering the VPN textbook. It has not been presented to
8 the patent office before.
9 And nonetheless, I think the -- to the extent I understand it, I think
10 what Meetrix is really also arguing with respect to this VPN textbook is that
11 Petitioner is relying on it to sort of cobble together the requirements of the
12 challenged claims, and I think what they ignore is that the VPN textbook is
13 always and only used in conjunction with Elliott. So we're not just taking
14 textbook teachings and Frankensteining together a system. We're just using
15 the teachings from the textbook to give a little context to our reference,
16 Elliott, which does disclose the use of VPNs and VPN tunneling in the
17 context of a hybrid network conferencing system. And I think that's
18 something important to consider.
19 So to the extent that Meetrix argues that the VPN and VPN
20 tunneling limitations are not obvious because the Board shouldn't consider
21 the VPN textbook, we disagree, and we see no basis for Meetrix's position.
22 JUDGE EASTHOM: Counsel, one question about that. We
23 recognize you have an obviousness showing here. And Patent Owner is

1 arguing, the way I understand it, that Elliott is a system that does disclose
2 VPN, but it doesn't disclose VPN useful for protecting audio signals. That's
3 one thing they say. And I think another thing they say is it doesn't -- there's
4 no disclosure anywhere of a VPN protecting a mixed audio signal.
5 MR. MARTON: Mm-hmm.
6 JUDGE EASTHOM: You concede the latter point, that there's
7 no disclosure of a VPN protecting mixed audio signals, and if so, how does
8 that affect your showing?
9 MR. MARTON: So one, we do not -- as to the first point,
10 Elliott expressly does disclose using VPN to secure the exchange of audio
11 signals, and I think I can show you here. I'm on Slide 29. It refers to -- this
12 is Elliott, and it refers in Column 2, lines 66 through Column 3, line 6,
13 multimedia collaboration refers to the use of more than one media stream,
14 e.g. voice, fax, data, video, using collaboration with more than one party.
15 And so, the whole notion in Elliott is that all of this multimedia
16 collaboration information, whether it's voice or video or other data, does go
17 through the network, and is included -- it's secured via VPN.
18 As to the mixing element, I mean, there is not an express
19 disclosure of mixing in Elliott, but any conferencing system necessarily has
20 to mix data. And nonetheless, there are specific mixing requirements in
21 many of the challenged claims, and we do not rely on Elliott to meet those
22 specific limitations. We rely on Knappe to disclose the details of the
23 mixing.

1 So Meetrix's argument here, this is kind of a theme across all of
2 their oppositions, is that -- you know, we have obviousness combinations, as
3 every ground is an obviousness combination. And what they have done is
4 they have separated each and every reference and said, well, Reference A
5 doesn't disclose mixing, and Reference B doesn't disclose VPN. I mean,
6 that misses the point of an obviousness combination. We're combining
7 references that are in the same field, to show that it was obvious to do what
8 they claim they've invented.
9 So we rely on Elliott to show the use of VPNs in the context of
10 Knappe and Drell. We rely on Knappe for the specific mixing requirements.
11 That's our argument. So to the extent Meetrix is arguing Elliott doesn't
12 disclose mixed audio, one, I think that's an impossibility. Obviously, if
13 you're in a conferencing system. There has to be mixed audio. But we
14 don't rely on Elliott, nonetheless, to disclose mixing. We just are relying on
15 Elliott to show that VPNs and VPN tunneling were well-known in the
16 context of hybrid networks, hybrid network conferencing systems. So that
17 might have been an overly long answer, but is there another question?
18 JUDGE EASTHOM: No. I appreciate the answer. That's
19 helpful. Thank you.
20 JUDGE MCNAMARA: This is Judge McNamara. I actually
21 do have a question about this. I think the real question that I have, that I
22 keep coming back to this, is why would anyone of -- what would have
23 motivated anyone to put all of this together in the way that it's put together

1 in these patents? As I look at the pleadings on both sides, I find that
2 discussion of motivation somewhat lacking. And so, if you could address
3 that more clearly for me, I would very much appreciate it.
4 MR. MARTON: Yes. Yes. I mean, I do think our petitions
5 and Dr. Houh's declarations explain motivation to combine in great detail,
6 but at a high level, the notion here is -- let me -- I'll walk us through it right
7 here. Our primary references, Knappe, Drell, and Elliott, these are all
8 conferencing technologies with hybrid networks, and they focus on different
9 known technical elements in that context.
10 And we are showing that there's nothing new here. One would
11 combine -- one would know, if you wanted to secure the communications in
12 Drell or in Knappe, you could use VPN technology, just as Elliott has done.
13 If one wanted differentiated mixed audio in Drell or Elliott, they would look
14 to Knappe to do the same. There is nothing new in this context, and it isn't a
15 combination of sort of disparate technologies, but it's more that there is a --
16 each different disclosure has a different focus that shows that in the context
17 of hybrid network conferencing systems, it was known to do the things that
18 Meetrix claims it invented. That's it. And -- yes, I think that answers the
19 question.
20 JUDGE MCNAMARA: I guess just because it was known is
21 not satisfactory to me.
22 MR. MARTON: Okay.
23 JUDGE MCNAMARA: You know, I guess what I'm getting at

1 is that it looks like, at least in this Meetrix case, the case that I'm seeing in
2 these patents is they combine them all together in some sort of a
3 conglomeration that perhaps no one else had done before. And that's kind
4 of what I'm asking you to try and --
5 MR. MARTON: Yes.
6 JUDGE MCNAMARA: -- address for me.
7 MR. MARTON: Okay. So I think the way to look at it is --
8 I'm on Slide 33, and this is a quote from a recent Federal Circuit case. And
9 it says, if there's a known technique to address a known problem using prior
10 art elements according to their established functions, then there is a
11 motivation to combine. And our argument is, with respect to VPN tunneling
12 and the use of mixing, this has all been done before. This has all been
13 combined before.
14 I mean, even Dr. Houh, he explains he did this in the past. Meetrix
15 didn't do something new here. The combination has been made. And we're
16 not cobbling together pieces -- Meetrix has not taken pieces of known
17 technology and put it together in a novel way. What Meetrix has done is just
18 described what has been done in the past, in the context of hybrid networks.
19 So I mean, I guess the argument is that these are not -- there's nothing
20 combined here in a way that hasn't been done before. There is no new
21 combination in Meetrix's patents.
22 JUDGE BOUDREAU: Mr. Marton, this is Judge Boudreau.
23 The quotation that you have on the screen from the *Intel v. PACT* case seems

1 to suppose that there's a known problem, and I just want to drill down on
2 that a little bit. What is the known problem that the combination is
3 addressing here?
4 MR. MARTON: Sure. I mean, it depends on the combination,
5 but for the use of VPN technology, the known problem is the need for
6 secured communications.
7 JUDGE BOUDREAU: So where is the need for secured
8 communications? Where is that problem identified in --
9 MR. MARTON: Sure.
10 JUDGE BOUDREAU: -- (CROSSTALK) references in either
11 Knappe, Drell, or Elliott?
12 MR. MARTON: It's in Elliott. It explains it. It is also in the
13 VPN textbook, which expressly says there is a known need for secure
14 communication. So let me just find that slide. Here we are. Yes. So here
15 on Slide 42, this is a reference to the VPN textbook. It says remote user
16 access to a corporate network, typically from changing or unknown
17 locations, is always riddled with security issues, and VPNs are used to
18 address those security issues.
19 Elliott also addresses this, and says for security purposes, you use a
20 VPN and VPN tunneling. So these are known issues. It's just, it's the same
21 notion as a codec. If you want more efficient communication of your audio
22 data, use a codec to compress it. That's a known issue, and people have
23 done it in the context of hybrid conferencing systems. If you want mixed

1 data, mixed audio information in your conferencing system, which frankly
2 every conferencing system necessarily has to have, use mixers, and mix
3 audio data for specific users. And Knappe explains in detail how to do it.
4 And I actually think it's important to step back, and on this issue,
5 review the Meetrix patent's disclosure, and I think that gives you some sense
6 of how well-known this technology is. There's no specific disclosure about
7 how to implement a VPN or VPN tunnel in Meetrix's patents. There's
8 nothing in there about it, other than saying use a VPN. They don't explain a
9 novel way of doing it, and they don't disclose a novel way of mixing, and
10 they don't disclose a novel way of using a codec. They just say compressed
11 data, or mixed audio data, or use a VPN, just like the references that we're
12 relying on here.
13 So the level of disclosure is the same, had Meetrix invented a new
14 combination of things that would be disclosed in the specification and
15 claimed in the claims, and that's just not the case. Hybrid network
16 conferencing technology had used VPNs in the past, had used mixers in the
17 past, and had used codecs in the past. Just in the same way the Meetrix
18 patents are claiming.
19 JUDGEBOUDREAU: Right. Well, given this entire textbook
20 here that you've cited on VPN, I don't think there's any dispute that VPN is
21 known. But I think (INDISCERNIBLE) argue whether there is motivation
22 to incorporate a VPN into Knappe -- and I think in order to establish
23 motivation, you need to find some identification of the problem, other than

1 the challenged patents themselves.
2 MR. MARTON: Yes. So --
3 JUDGE BOUDREAU: So the Elliott reference, that it says that
4 if you want secure communications, you can use a VPN? What are you
5 pointing to in Elliott that (CROSSTALK) the disclosure?
6 MR. MARTON: Okay. Let me get to that.
7 JUDGE BOUDREAU: You have a quote from Elliott on your
8 Slide 32, I believe, but -- oh, no. I'm sorry.
9 MR. MARTON: Yes. Slide 30.
10 JUDGE BOUDREAU: Thirty.
11 MR. MARTON: There's a quote from Elliott, and this is from
12 Column 4, lines 29 through 34, and basically it says that you can use a VPN,
13 and that's for security purposes.
14 JUDGE BOUDREAU: I'm sorry. Where is security
15 mentioned there?
16 MR. MARTON: Well, the word security is not used, but a
17 virtual private network and IP tunneling necessarily refers to methods for
18 securing.
19 JUDGE BOUDREAU: Oh. And I do have another question
20 about that as well. So in that quotation, it's referring to VPN or local area
21 network which uses IP or IP tunneling.
22 MR. MARTON: Yes.
23 JUDGE BOUDREAU: Whereas the claims that are -- the

1 challenged claims, some of them recite a VPN tunnel.
2 MR. MARTON: Yes. A VPN tunnel is basically a VPN
3 implemented via IP tunneling, which is the encapsulation that we discussed
4 in the beginning of this hearing.
5 JUDGE BOUDREAU: So a VPN that uses IP tunneling is
6 necessarily a VPN tunnel? Is that --
7 MR. MARTON: Could you restate that question? I'm sorry.
8 JUDGE BOUDREAU: My question was whether a VPN that
9 uses IP tunneling is necessarily a VPN tunnel.
10 MR. MARTON: Yes, it is.
11 JUDGE BOUDREAU: Is there anything in the record that
12 mixes IP tunnels with VPN tunnels?
13 MR. MARTON: Yes. Dr. Houh explains it. I thought I turned
14 my phone off, and I'm still somehow receiving calls.
15 JUDGE BOUDREAU I guess one of the things I'm really
16 getting at here is whether Elliott ever explains why a VPN, or use of VPN
17 tunneling would be beneficial.
18 MR. MARTON: No. I mean, it doesn't discuss the need for --
19 the focus of Elliott is not on security. It just says that you can secure your
20 communications with a VPN. I mean, the idea of using a VPN is always
21 security, so --
22 JUDGE BOUDREAU: So why would a person who is -- a
23 person of ordinary skill in the art, who has Knappe or Drell in front of them,

1 why would they realize that there was a need for additional security in terms
2 of the Elliott reference, and --
3 MR. MARTON: Elliott doesn't -- so Knappe and Drell do not
4 discuss security, because that's not the focus of the references. However,
5 any communication over the internet, necessarily there's going to be security
6 concerns. I mean, that's what the VPN textbook tells you. And I think in
7 2003, at least some of us were using technology in 2003 that the notion of
8 having secure communications, particularly in the context of conferencing,
9 was well-known.
10 One well-known approach for securing communications, including
11 in the context of hybrid network conferencing, was to use a VPN. And
12 that's what Dr. Houh explains, that if you're going to secure
13 communications, which you necessarily are going to want to in the context
14 of a hybrid conferencing system, you're going to use a VPN. At least that's
15 one of the primary choices you would consider. I mean, that's what Dr.
16 Houh explained at length in his declaration, and he even said he used them
17 himself in this context.
18 JUDGE BOUDREAU: Petitioner is relying on Elliott to supply
19 the teaching of the VPN, and Petitioner is arguing that a person of ordinary
20 skill in the art would incorporate the VPN from Elliott into either Knappe or
21 Drell, so I'm still trying to understand what would motivate that
22 combination.
23 MR. MARTON: The need for security. The need for security.

1 A person skilled in the art would know you want secure communications,
2 and that to implement a VPN would be the way to do it, or a very common
3 way to do it. And they would know, looking at Elliott, that's how it had
4 been done before.
5 JUDGE BOUDREAU: And that knowledge would be coming
6 from some place other than the references themselves? Is that what you're
7 arguing?
8 MR. MARTON: Well, it would come from Elliott, who had
9 implemented the VPN in that context. And it would come from the VPN
10 textbook as well, which says that there's a need for secure communications.
11 It's just that, I mean to the extent you're asking if Knappe says there is a
12 need for security, it doesn't expressly say that that I'm aware of. Does Drell
13 expressly say there's a need for security, go figure out -- I don't think it says
14 that. But I don't think it needs to say that for an obviousness combination. I
15 think the question is was it novel to use VPNs for securing communications
16 in the context of a hybrid network conferencing system, and the answer is
17 no. Elliott shows it's been done before.
18 JUDGE BOUDREAU: So Elliott is just there to show that it's
19 been done? It doesn't -- you're not saying that it would motivate somebody
20 specifically to use a VPN? Is that right? Because Elliott is just presenting a
21 VPN as one possibility, right? The section that you quoted from Column 4,
22 I believe it's lines 30 through 34, says that Network 18 can be either a public
23 or a carrier-supported VPN broadband, which uses IP or IP tunneling, and

1 that other protocols can alternatively be used.
2 MR. MARTON: Yes. Yes.
3 JUDGE BOUDREAU: So the reference itself is somewhat
4 agnostic as to whether or not a VPN should be used, why it would be used?
5 MR. MARTON: There certainly are other options for security,
6 but VPN was a very common one that had been used, and was suggested to
7 be used by Elliott, and was common as in the VPN textbook says this is how
8 you secure communications over the internet. So yes.
9 JUDGE BOUDREAU: Okay.
10 MR. MARTON: A person skilled in the art would know -- I
11 think in Exhibit -- I think in Exhibit #1003 -- I'm not sure which petition it
12 is. So in the #1003 for the '332 petition, Dr. Houh explains this in
13 paragraphs 118 and 136 through 138. So actually I think it's 136 through
14 138. So the beneficial, predictable results of having secured
15 communications, one would know to use IP tunneling. It's analogous prior
16 art. This whole section -- so in Exhibit #1003, #1003 to the '332 petition, or
17 the petition for the 332 Patent, paragraphs 136 through 153 explains the
18 reasons to combine Elliott with Knappe.
19 And if you look specifically at paragraph 45, it says -- paragraph
20 45, a second predictable and beneficial result of combing Knappe and Elliott
21 includes the use of VPNs to protect communications between participants in
22 Knappe's conferencing system. It was known in the art that data transmitted
23 over public networks are vulnerable to eavesdropping problems. That's

1 from the VPN textbook. It was known that the solution for securing
2 communications over public networks was by using a VPN. Thus, it would
3 have been obvious to a POSITA to use VPNs for conferencing systems, as
4 described in Elliott, and beneficially for the security in Knappe's multiparty
5 conferencing system.
6 And there's several other references that we rely on, including
7 Exhibit #1020 -- so #1020, #1019, and #1023, that shows VPNs were
8 regularly used in the context of conferencing technology, and this is all
9 explained in Dr. Houh's declaration, in paragraphs 145 through 150. So I
10 will go -- is there another question on this?
11 JUDGE BOUDREAU: No. Unless one of my colleagues has a
12 further question, you can move on.
13 JUDGE EASTHOM: Thank you. Just a quick question about
14 the tunneling. Is that a form of security? I was under the impression that it
15 was a form of just allowing a transfer of a protocol that's not handled
16 normally on one network. You can -- go ahead. Yes.
17 MR. MARTON: Yes. I'm sorry to cut you off. I apologize.
18 JUDGE EASTHOM: That's my fault. I have a habit of not
19 finishing my sentences, so you can go ahead.
20 MR. MARTON: Yes. So my understanding of a VPN tunnel is
21 that it is basically a VPN implemented through tunneling. So security,
22 where you encapsulate one packet that is already -- you basically
23 encapsulate a packet and secure communications that way. So it is a method

1 of security, and it is a type of VPN.

2 JUDGE EASTHOM: I was thinking it was you would encrypt
3 one of the packets, either the encapsulated, one or the one that's
4 encapsulating the encapsulated one, either way, but then the encapsulation is
5 more of a protocol thing. It allows you to talk on the network,
6 (INDISCERNIBLE) find other ways to be able to talk on it.

7 MR. RIBERA: If I may cut in? This is Hector Ribera. I think
8 you're right. So encapsulation is a broader concept. You can encapsulate
9 for different purposes, and as you mentioned, you can encapsulate when you
10 have a different protocol where you encapsulate a packet into another
11 packet, so that you can patch into the protocol for communications. And
12 then, you know, between two end points, you can use one protocol, and then
13 when you get to -- you know, from the first end point to the second end
14 point, you can unwrap the packet, where you sort of remove the protocol
15 that's specific to that route. And then the internal contents of the datagram
16 can be shared using a different protocol, for example. So that's one use of
17 encapsulation.

18 And when you're using -- or tunneling. When you're using
19 tunneling for security purposes, what you can do is you could take a
20 communication that you would normally send over the open internet, and
21 rather than just sending it between routers on the internet, exposed, you can
22 somehow secure that communication or packet, for example encrypting it,
23 and then you made that an encrypted payload of another IP packet. And

1 then the IP packet that you're sending through the internet, through the open
2 internet, would -- if somebody was to intercept it, all they would intercept is
3 an encrypted payload, so they would not know what that is. And so, that
4 form of tunneling is what it would be used for, to create a VPN network,
5 because end points that are not part of that virtual network would not be able
6 to decrypt the payload of those packets. So that's how tunneling would be
7 used to implement a VPN network, if that makes sense.
8 JUDGE EASTHOM: Yes. Thank you. Appreciate that. But
9 would one of ordinary skill consider just the tunneling itself to be a form of
10 security? Because I was asking probably the other time if encryption is the
11 only way you can secure a virtual private network on a public line. I realize
12 maybe on a private line, they're private anyway. But go ahead.
13 MR. RIBERA: All right. So when you're on an open network,
14 and anybody can have access to the payload or, you know, the sender ID
15 communication, that would be unprotected. And to protect that payload,
16 encryption would be the most common approach, where you encrypt the
17 payload and put it in an IP packet. But you could use other techniques. For
18 example, you could use a custom protocol where you're arranging the data
19 in a very specific way, which in a way is kind of encryption.
20 So it depends how broadly you want to interpret these terms. You
21 could use a custom protocol, communication protocol that is only
22 understood by two clients, and encapsulate or tunnel those packets through
23 another IP, regular IP protocol, and that would provide some sort of

1 protection.
2 JUDGE EASTHOM: Thank you. Thank you.
3 MR. RIBERA: So there's -- okay.
4 JUDGE EASTHOM: Yes. I think I understand what you're
5 saying.
6 MR. MARTON: Are there other questions, or should I move
7 on?
8 JUDGE EASTHOM: Maybe we could move on to the
9 collaboration issue. Is that one of the issues?
10 MR. MARTON: It is one of the issues. Okay. Let me say a
11 quick -- well, I can move on to collaboration. Let me -- actually, I'd like to
12 address this while we're dealing with the motivation to combine Elliott and
13 Knappe and Drell. The primary argument that Meetrix has made as to why
14 one would not combine Elliott with Knappe and/or Drell is that Elliott is
15 directed to this call center with independent communications with individual
16 remote parties, and if there is no sort of overall conferencing system in
17 Elliott, that's fundamentally not correct. As is reflected in Slide 27, Elliott
18 expressly discloses conferencing technology where it's many to many
19 communications. At Column 2, lines 10 through 13, Elliott explains, the
20 present invention also enables services for one to one and many to many IP-
21 based collaboration.
22 Similarly, in Column 7, lines 58 through 61, Elliott discloses, the
23 present invention uses the session server 12 to conduct one to one, one to

1 end, end to one, and end to end sessions for multiple customers, end to end
2 being many to many. That is a conferencing system. That there are
3 embodiments in Elliott that are -- call center that is independently
4 communicating with individual customers. It doesn't negate the fact that
5 Elliott does in fact disclose many to many sessions.
6 Another argument that we briefly addressed before, but I want to
7 point out again really quickly, is that Meetrix argues that you wouldn't
8 combine Elliott with Knappe and/or Drell, because Elliott doesn't even
9 discuss or disclose the use of VPNs or VPN tunnels in the context of audio
10 data. Again, that is just not correct. Elliott expressly discloses that the
11 multimedia collaboration -- I'm at Slide 29 -- the multimedia collaboration
12 includes voice.
13 Specifically in Column 2, line 66 through Column 3, line 6, it
14 refers to multimedia as including one or more media stream, that for
15 example might include voice. Then at Column 6, lines 53 through 54, it says
16 other types of collaboration, such as audio, video, or data conferencing, can
17 also be performed. So Elliott does disclose that. Okay. And again, we've
18 talked about VPNs being -- actually, I'm going to move on from VPNs.
19 JUDGE EASTHOM: But just to get to the end of that, there's
20 no claim construction for collaboration data, right? Or (CROSSTALK) --
21 MR. MARTON: There is not. There is not. And I'll move on
22 to collaboration data now. I'm at Slide 52, and this is specific -- so we're
23 going a little bit out of order. This is specific to the 382 petition, which is

1 Ground 1 on the '612 Patent. For this, Claims 19 and 25 both require
2 receiving first audio data, first video data, and first collaboration data, and
3 then transmitting the collaboration data.
4 And I think to understand -- I'm guessing based on your claim
5 construction question, you're wondering what is collaboration data? The
6 patent, the Meetrix patents don't really say much about what collaboration
7 data is. They do refer to the ITU T.120 standard, which discloses a protocol
8 for exchange of collaboration data. That's what the Meetrix patents refer to,
9 and that's exactly what Elliott discloses, is use of the same standard for
10 exchange of collaboration data. I'm at Slide 57, and --
11 JUDGE EASTHOM: So that's basically just a protocol that'll
12 allow you to send other applications or something on the internet?
13 MR. MARTON: Correct. Correct.
14 JUDGE EASTHOM: Okay. And so, you would contend that
15 in the Elliott example, the sending of a URL, that's collaboration data? I
16 think you said that in your papers? But are you relying exclusively on that,
17 or --
18 MR. MARTON: No.
19 JUDGE EASTHOM: -- (CROSSTALK)?
20 MR. MARTON: So yes, the URL data would be collaboration
21 data, but it could be anything like collaborative web browsing, or any kind
22 of application sharing. Which I'm on Slide 56, and Elliott discloses at
23 Column 1, lines 40 through 45, multimedia collaboration services that allow

1 two or more parties to exchange information in conference setting. These
2 services can be readily provided over the internet, and include collaborative
3 web browsing, audio conferencing, video conferencing, and application
4 sharing.
5 And so, it's any data associated with any of those activities. And
6 then again, as I mentioned before, Elliott also discloses the use of the ITU
7 T.120 standard to support real-time multipoint data communications. So it
8 discloses the same collaboration data exchange that is reflected in the
9 Meetrix patents.
10 JUDGE EASTHOM: And I think your friends are already, hey,
11 you know, this is just smearing all these data types together, audio, video
12 collaboration. There's no real distinct collaboration data in Elliott. Can you
13 respond to that? I think that's the premise of the argument.
14 MR. MARTON: I didn't understand that to be their argument,
15 but I don't dispute your assertion, either. To the extent that there needs to be
16 some detailed expression of what collaboration data is, that's just not the
17 case. There's nothing in the Meetrix patents about what collaboration data
18 is, other than reference to the ITU T.120 standard that's here in Elliott. So I
19 mean, the disclosures are the same.
20 JUDGE EASTHOM: Thank you.
21 MR. MARTON: So we're jumping around a bit. That handles
22 the collaboration.
23 JUDGE MCNAMARA: Actually, Counsel, this is Judge

1 McNamara. I do have one more question, because you had pointed to
2 something in Elliott, and I looked it up, and I just want to make sure I
3 understand. You were pointing to Column 7 of Elliott and discussing -- I
4 guess down around line 57, 58, something like that -- the session server
5 conducts one to one, one to end, end to one sessions. As I read that, though,
6 it looks like the context of that is so that the one user is in -- I guess what he
7 sees is what the user sees as a direct link to an agent, as opposed to the kind
8 of collaborative discussion among multiple users. So I just want to make
9 sure I'm not misunderstanding that.
10 MR. MARTON: Yes. So I think that what an agent is is
11 maybe considered overly narrow. I mean, if we look at Column 4, line 36, it
12 refers to the agents as being folks who work in a call center. It's basically an
13 agent could be any company, organization, person, or entity that is
14 responsible servicing a form of communications. It could be a moderator. I
15 mean, an agent could be a moderator.
16 And then if you go and you look at -- let me go to this. Back up
17 here, Slide 28. Yes, that's the exact -- to Slide 28, there's a disclosure in
18 Elliott explaining, at line -- or Column 9, line 60, through Column 10, line 4,
19 that the session ID is not specific to one-to-one sessions. Multiple agents
20 can log in to the same conference with the same session ID. So you really
21 could and would have actual conferencing between multiple agents and
22 multiple -- I guess you'd call them remote users.
23 JUDGE MCNAMARA: Remote users. Again, when I'm

1 looking at -- like for example, like at Column 2, you know, in Elliott, he
2 talks about a session server, a multimedia -- this is probably down around
3 line 56. An aspect of the invention is a session server multimedia
4 collaboration techniques to provide collaborative web browsing among
5 multiple parties. And, well, it's just sort of like I can push a link from one
6 party to another. But I guess the question is whether or not it's
7 collaboration, I guess. It says though, below that, it says multimedia
8 collaboration refers to the use of more than one media stream. So, okay.
9 MR. MARTON: Yes. Yes. I mean, I think what you're
10 grabbing on to is that what Meetrix has done is looked at an embodiment in
11 Elliott and said Elliott's disclosure is limited to that embodiment, when in
12 fact Elliott has more than one embodiment, and its disclosure is broader than
13 that embodiment. And what we're doing is we're pointing out that
14 collaboration is more than just pushing a URL from one call agent to one
15 individual. It involves video and audio, and it can involve multiple remote
16 users and multiple agents. It can be end to end, many to many, and it's not
17 as limited as Meetrix contends.
18 JUDGE MCNAMARA: Okay. All right. Thank you very
19 much. I appreciate it. I understand your position on it now. Thank you.
20 MR. MARTON: Okay. Thank you. So let me pick up at I
21 think -- I think this is the next sort of important argument to be addressed.
22 I'm at -- we're at one hour. Okay. I'm going to go really fast on this issue,
23 and then pass it off to my colleagues. So one of the arguments that Meetrix

1 has made repeatedly is that there isn't this, what they call differentiated
2 mixing of audio that -- in the prior art.
3 And differentiated mixing is not a term used in the Meetrix patents,
4 but as far as we can tell, what they're focusing on is the mixing of different
5 audio data for different recipients. So let's say there's four participants in a
6 conference. You would mix audio from participants one, two, and three for
7 recipient four; four, three, and two for recipient one, and so on and so on, so
8 you have different streams of audio for different recipients. And Meetrix
9 has argued that that is in fact not disclosed in the prior art references, but
10 Knappe expressly discloses exactly that differentiated mixing required by
11 the claims. I'm on Slide 51 --
12 JUDGE SZPONDOWSKI: I have a question.
13 MR. MARTON: Oh. Go ahead.
14 JUDGE SZPONDOWSKI: I have a question. If you could just
15 go back to Slide 59?
16 MR. MARTON: Mm-hmm?
17 JUDGE SZPONDOWSKI: And maybe you can have someone
18 on your team look this up and get back to me. But this is specifically with
19 regard to the 379 IPR, the '525 Patent. So for Claims 17 and 18, they
20 recite -- or Claim 17 recites a first mixer and a second mixer, and then Claim
21 18 recites a third mixer.
22 MR. MARTON: Mm-hmm.
23 JUDGE SZPONDOWSKI: And in the Petition, the analysis for

1 Claim 17 largely refers back to the analysis for Claim 9, and the analysis for
2 Claim 18 largely refers back to the analysis for Claim 10. And I was hoping
3 that you could direct me where in the Petition, the 379 Petition, the first
4 mixer, second mixer, and third mixer are addressed?
5 MR. MARTON: Ms. Chang, could you pull that up for us?
6 But just to elucidate sort of what we're arguing are the first, second, and
7 third mixers, I'm on Slide 62. We're looking at Figure 3 from Knappe. The
8 summers are each individual mixers, and each summer does a different mix
9 of different audio for each different recipient. So summer one mixes audio
10 for recipients two, three, four, and five. Summer two mixes audio for
11 recipients one, three, four, and five. Summer three mixes audio for one, two,
12 four, and five, so on and so on.
13 JUDGE SZPONDOWSKI: You can get back to me with the
14 pages of the Petition --
15 MR. MARTON: Okay.
16 JUDGE SZPONDOWSKI: -- if you want to move on.
17 MR. MARTON: Okay. So that actually addresses in large part
18 what I wanted to say about the differentiated mixing, is in Knappe -- and
19 we're looking on Slide 61, Figure 1 -- we have multiple participants, which
20 we've labeled participants one through five. And then if you look at Figure
21 3 of Knappe, we've marked up and shown how the audio is mixed in
22 different streams for different users. So we have audio data from participant
23 two and audio data from participant three that are mixed together by summer

1 one to go down to recipient one. And it's explained in detail in Knappe, and
2 so this differentiated mixing is nothing new.
3 And I think that given the time limitation, let me just quickly see if
4 there's anything else that I should address. I don't think so. We addressed
5 compression. Okay. I think at this point we probably should -- unless you
6 have questions on the -- well, I think we have some specific issues to address
7 with the '525, and (CROSSTALK) --
8 MS. CHANG: Yes. Let me just chime in to answer Your
9 Honor's question about the Petition in 379. I think you mentioned that for
10 claims -- oh, sorry. This is Carolyn Chang for Petitioners. I think you
11 questioned with respect to the '525 Patent in the 379 Petition, where the
12 disclosures of the first, second, and third mixers are consistently referred
13 back to, parsing in disclosures with respect to Claim 9.
14 So if you look at Petition pages 38 through 39, when we're
15 discussing the separate mixing limitations, Claim 9 does talk about mixing
16 different parts of audio and data received from different participants. And
17 when we discuss that at page 38, we discuss Knappe teaching mixing audio
18 streams, so that the conference output streams for a participant includes the
19 media of all other participants, a subset.
20 And it refers back to what my colleague here, Mr. Marton, had
21 discussed in Knappe, having the separate mixers. So all the different mixing
22 limitations in Claim 9 are with respect to the separate summers in Knappe,
23 and that would be what the first mixer, second mixer, and third mixers being

1 referred to back in Claim 17 would be.

2 MR. MARTON: Ms. Chang, are there issues you want to

3 address specific to --

4 MS. CHANG: Just to follow up on the mixer limitations, if we

5 can go to Slide 63? There is one unique issue with respect to the '525 Patent

6 IPRs, and that's the 378 and 379 IPRs, because the primary reference there

7 is Drell in combination with Knappe. Patent Owner makes an argument that

8 a person of ordinary skill in the art would not have been motivated to

9 combine Drell and Knappe.

10 If we look at Slide 63, as the petitions explain, and as Dr. Houh,

11 our expert, explains, Drell, at, you know, Column 5, lines 8 through 21, talk

12 about audio mixing modules and combining audio data and mixing the data.

13 And so, one of ordinary skill in the art, understanding that we have a system

14 here where we're mixing data, would look at comparable art in a

15 conferencing system where they have mixing.

16 And if you go to Slide 64, that would be Knappe, where they also

17 have mixers, and have a little more detail than as to a specific

18 implementation of mixing, where we see in the green box on Slide 64 the

19 specific mixers with the multiple summers. And that, one of ordinary skill --

20 as Dr. Houh explained, if we go to Slide 65 -- would have been motivated to

21 implement Knappe's multiple summer teachings into Drell, because Drell

22 has a stated goal of generating separate instances for each conference end

23 point.

1 If you look at Drell -- we don't have a slide for this, but Drell at
2 Columns 2, 19 through 21, and Column 6, 66 through Column 74, discusses
3 the conferencing application generating separate instances of the processing
4 transfer each end point, so it would be logical, and one of ordinary skill
5 would have been motivated to implement a mixer like in Knappe, where you
6 would have separate mixing for each conference end point.
7 If we go to Slide 67, there's another issue unique to the '525 Patent
8 claims, and that is in IPR, again, 378 and 379, with respect to having a
9 moderator. If we go to Slide 69, Patent Owner argues again that a person of
10 ordinary skill in the art would have not been motivated to combine Drell and
11 Knappe. Again, we've discussed at length already the motivation for a
12 person of ordinary skill in the art, looking at a hybrid conferencing system
13 like in Drell, that would look to something like Knappe, because it
14 essentially has the same components, and how to implement different things.
15 Knappe, if we go to Slide 70, teaches that in a conferencing
16 system, you may want to designate a moderator to control the flow and
17 organization of a conference, so one of ordinary skill in the art would
18 naturally think, if I wanted to have a moderator in a system like Drell, I
19 could also designate one. So that is we explain at Slide 71, reviewing this.
20 Go to Slide 71. Our expert, Dr. Houh, explained that a person of ordinary
21 skill in the art would have looked to all the different teachings in Knappe
22 that you could have a moderator, and it would have been obvious to
23 implement that in a system like Drell.

1 And finally, there were issues related to a voice encoder in the
2 '525 Patent claims, and if we go to -- let's see -- Slide 74, the argument that
3 Patent Owner makes is that disclosure of an audio codec in Drell is not the
4 same thing as a VOIP coder/encoder. But I think if you actually look at the
5 disclosures in Drell, and as explained in our petition and explained by Dr.
6 Houh, what was discussed in Drell is a use of an audio codec, in accordance
7 with certain standards.
8 If we go to Slide 75, Drell also teaches using these sort of codecs
9 in the context of a network that is a packet switched network, such as the
10 Internet. And if you go to Slide 77, that teaching is with respect to packet-
11 based process, using protocols consistent with the H.323 protocol, which is
12 all IP packets. So when we discuss the use of codecs in Drell, it is obviously
13 in connection with an IP network, and it would be VOIP encoders, and it
14 would be consistent with that standard.
15 Also, the obviousness basis is a combination of Drell and Knappe.
16 So we go to Slide 78. Knappe specifically discusses the use of IP packets
17 such as VOIP packets and discusses use of a codecs and decoder -- coders
18 and decoders encapsulated in IP. So the disclosures we have in Knappe and
19 Drell are with respect to VOIP encoding, contrary to what Patent Owners
20 argue. And that's it for the '525 Patent. Hector, I don't know if you want to
21 take over?
22 MR. RIBERA: Sure. This is Hector Ribera. I'm going to
23 address the issues in the 371 trial, with respect to the '997 Patent, and we

1 can start with Slide 82. And so, focusing on what's different in this IPR, I
2 think the claims in the '997 Patent incorporate or are directed to this notion
3 of implementing the hybrid conferencing system using multicasting, and
4 multicasting was also something that was very well-known by 2003.
5 There's a standard that goes back to the late '90s for IP multicasting, and so
6 there's nothing in these claims that promote any new or novel combinations
7 of technologies that had not been already done in the prior art, and that's the
8 essence of our Petition.
9 The 371 Petition uses two different references that were not using
10 the other petitions, and that is the De Moraes petition, or reference, and
11 Shepherd. Both of these references show different aspects of multicasting
12 that were well-known by 2003. And so, I had planned to go through each of
13 the challenges and each of the limitations, but I don't think we're going to
14 have time for that. So first of all, I want to ask you if there's any questions
15 from the panel about the 371 Petition?
16 JUDGE EASTHOM: Just a general timing issue. If you want
17 to save 40 minutes for your rebuttal, that's going to end in four minutes, so
18 at 1:35, just to give you a heads up. And it's perfectly fine if you extend.
19 It's your call.
20 MR. RIBERA: Okay. So I think that the main issue that I
21 would like to address with respect to the 371 is this notion of what's done by
22 De Moraes reference. And if we can go to Slide 83, please? So the De
23 Moraes reference shows that using IP multicasting in a conferencing system

1 was well-known by 2003, and De Moraes specifically mentions the use of
2 this RFC 1112, which is the IP multicast standard.
3 And a reference to that standard shows that when you are using
4 multicasting, the IP multicasting technique, the packets that are used,
5 according to the sender, would include this notion of having a group address.
6 And that's the whole point of multicasting, is sending copies of the same
7 packet to multiple recipients, and that is done by using this group address
8 that identifies who the recipients are for the copies of the packet.
9 So if we go to the next slide, Slide 84? So Dr. Houh explained that
10 a person of ordinary skill in the art would have understood that using the
11 multicasting standard, RFC 1112, is disclosed by De Moraes. This MBONE
12 network -- and MBONE basically stands for a multicasting back-end
13 network -- that would enable the host to send messages to multiple multicast
14 appliances, which could be routers, multicast routers in the system, or it
15 could be end points that are multicast enabled, and those messages would
16 necessarily include a group address that identifies who the recipients of the
17 multicast packets are. And that's kind of the key here on the limitations of
18 the '997 Patent.
19 Another issue I wanted to raise is on Slide 85. And Meetrix argues
20 this notion that the claimed gateway server, because the word server appears
21 in the claim, that it connotes some additional requirements to the claim. And
22 specifically, they argue that the word server requires what they call a server
23 class computer, with all sorts of capabilities, like, you know, providing

1 security features, offering services such as caching, load balancing,
2 authentication, encryption. So they're trying to make sort of a claim
3 construction argument, baking these additional limitations into the claim by
4 the mere use of this term server, but that is inconsistent with the
5 specification of the '997 Patent and the claims.
6 If we move to Slide 86? So the specification makes no reference
7 to any server class computers or caching or load balancing, but instead, what
8 it does is it refers to this connection between the telephone participants and
9 the conferencing server, or the internet, as gateways, or PSTN gateways. So
10 for most of the disclosure, what we see is a reference to these PSTN
11 gateways, not PSTN gateway servers.
12 And if we go to the next slide, the claims themselves also make
13 clear that the patent here is user the term gateway server and gateway
14 interchangeably. So if we look at Claim 1, the limitations at issue here in
15 1.5, the claim referenced a gateway server. But then the dependent claim,
16 Claim 2, when it's making a reference back to the same element, it simply
17 refers to it as the gateway, so the word server doesn't even appear on the
18 reference back in the independent claim. So we argue that the disclosure of
19 gateways that provide an interface between a PSTN network and an IP
20 network, it's exactly what gateway or gateway server is referring to in these
21 claims, and it's disclosed in all of our primary references.
22 And I see that we're essentially out of time, but I think it's worth
23 touching on one more issue, in Slide 9E. And I think we've kind of gone

1 over this, but I just want to be real clear. This is an argument from Meetrix.
2 So the session ID in the Elliott system cannot be used as conference ID
3 information, because session IDs in Elliott are limited to one-to-one
4 sessions. And again, we've shown that this is incorrect.
5 And here on Slide 9E, we're showing Column 9, line 60 through
6 Column 10, line 4, in Elliott, where there's one specific example where
7 there's a customer connected to two support agents using the same session
8 ID. So you have multiple parties using the same session ID, so it's not a
9 one-to-one connection. It's a connection between three different participants
10 that are using the same session ID that is clearly conference ID information,
11 as is required by the claim.
12 Another issue that I wanted to address very quickly, on Slide 98 --
13 and this is regarding the Patent Owner's sur reply. I think there was some
14 misunderstanding on the Patent Owner's side as to the numbering of the
15 claim limitations. So they argue that the Petitioner waived its arguments
16 with respect to Limitation 2.5, and that's in the -- that's the reply at page 11.
17 But I think this is just a matter of mistaken limitation numbering from the
18 Patent Owner's understanding.
19 If you'll go to the next slide, please? Our Patent Owner -- or our
20 Petitioner reply clearly addresses Limitation 2.5, the encapsulation
21 limitation, and it's at page 16 of our reply, and we have -- there's definitely
22 no waver on that limitation. It's clearly addressed. And I think if we go to
23 Slide 102, another argument that the Patent Owner made with respect to the

1 second ground on the 371 is this notion that the determining of multicast
2 data from the unicast packet has to be done by devices at the end user, and
3 that's neither a requirement of the claim, nor is that supported by the
4 description of the '997 Patent.
5 If we go to the next slide, 103, we show this in our reply at pages
6 20 through 21, where basically the description of the '997 system shows the
7 appliances, which is what needs to perform this conversion between -- or the
8 determination of the multicast data from the unicast packet. These
9 appliances are not end user devices, necessarily. They're all kinds of
10 appliances that connect between routers, VPN tunnels, and gateways, and
11 then those connected devices then provide the multicast data to the end user
12 devices. So there is no requirement that it be at the end user device. And in
13 fact, De Moraes described some of the end point routers can be end user
14 workstations, so De Moraes would also teach -- if that was a requirement in
15 the claim, that is taught by De Moraes.
16 And I think in order to reserve 30 minutes of our time for rebuttal,
17 I'm going to stop there and see if there are any questions. I will be happy to
18 address them, and otherwise we reserve our time.
19 JUDGE EASTHOM: I don't think we have any questions.
20 Any of my colleagues have a question? Okay. Well, why don't we take a
21 five-minute break? I have you -- you have 35 minutes left for rebuttal, and
22 so why don't we return at 1:35? You can just leave your -- stay connected,
23 please. You can turn your camera off if you want. We'll see you at 1:35.

1 Temporarily adjourned. Thanks.
2 (Whereupon, the above-entitled matter went off the record at
3 2:31 p.m. and resumed at 2:36 p.m.)
4 JUDGE EASTHOM: On the record. Mr. Marton, I don't know
5 if you forgot to turn on your video camera, but anyway, we will now hear
6 from Mr. DiNovo, Patent Owner. How much time would you like to
7 reserve, Mr. DiNovo?
8 MR. DINOVO: I honestly don't think we're going to be using
9 all of our time, but we'll reserve 30 minutes.
10 JUDGE EASTHOM: Okay. Okay. I have you starting here at,
11 let's call it 1:37, because it's probably going to be there by the time you
12 start. So please proceed.
13 MR. DINOVO: Okay. Thank you, Your Honor. This is Drew
14 DiNovo. I'm speaking on behalf of the patent owner, Meetrix. I'm still
15 struggling a little bit to get my screen sharing working, so I apologize.
16 JUDGE EASTHOM: And also we have your slides handy, if
17 you do have a problem with that.
18 MR. DINOVO: Okay. Thank you. I think I have it working,
19 but --
20 JUDGE EASTHOM: Oh, good. Yes, we can see it.
21 MR. DINOVO: Okay. I'm not terribly familiar with this
22 application. So first I would like to address some of the points made by
23 counsel for Zoho, and then I'll move into my slide presentation, and try not

1 to be too repetitive with the things that I said at the outset. But first, just a
2 couple naked comments made by opposing counsel. This has all been
3 combined before, and there is no new combination. Simply an observation
4 that if they had such a combination before, where is it? And what we've
5 seen instead is a combination of somewhere between three and five
6 references for a functioning video conferencing system that was actually
7 developed by my client, and actually was used. And so, we have not seen
8 this combination before, and they don't even contend that it's anticipated.
9 So let's move on to some of the claim construction issues that were
10 addressed, if we could. And we have the issue of the virtual private network
11 and the virtual provide network tunnel. I agree with Mr. Marton that it may
12 not matter whether his construction, his expert's construction from the
13 textbook is used or ours is for virtual private network.
14 I think there is some subtlety in terms of this that probably should
15 be pointed out, because it wasn't clear to me immediately upon reading their
16 proposed construction that it isn't a private network. So it is a virtually
17 private network, in a sense. And I think his expert's construction uses the
18 term a shared network, and I think the implication is that the network is
19 shared beyond those for whom it is private, and therefore the privacy is used
20 through some technical means. And so, in that regard I think it's consistent
21 with the District Court's construction, which I understand they take no issue
22 with.
23 With respect to VPN tunnel, I think there was a misunderstanding

1 expressed that the main purpose of a VPN tunnel is for security. And I think
2 it certainly does have the capability of being used for that purpose, and has
3 that benefit in implementations, and that is a benefit in this implementation.
4 Another benefit that the patent explicitly discusses, and that the District
5 Court adopted in its construction, is that the VPN tunnel allows
6 encapsulation of a first packet from one protocol, and a second packet from
7 a different protocol.
8 And one of the specific embodiments that my colleague Mr.
9 French will be discussing, and is discussed at length, contrary to the
10 assertions of opposing counsel, is that the use of VPN tunnels to allow the
11 use of a multicasting protocol is something that was explicitly envisioned to
12 facilitate the invention.
13 JUDGE EASTHOM: Can I ask you a question about your
14 proposed person of ordinary skill level? So Mr. Dye says that your friend
15 the Petitioner's proposal is too narrow, and he says that someone could have
16 either a bachelor's degree in computer science, computer engineering, or an
17 equivalent, with three years' experience relating to conferencing systems.
18 Oh, that's Petitioner's. Excuse me. And then he doesn't agree that you need
19 any conferencing systems background.
20 Let me see if I can find it. Okay. His proposal is that you have at
21 least a bachelor's degree in electrical engineering or computer science, in
22 addition to two years of industry experience, two or more of experience in
23 computing systems development. Does that include knowledge about packet

1 systems, transporting packet systems, transferring data over packets?
2 MR. DINOVO: Judge Easthom, if I'm pronouncing that
3 correctly, you know, I was an electrical engineer 30 years ago. I think we
4 were taught that as an electrical engineer. But, you know, of course the
5 Internet didn't exist at that time. But yes, I would think a basic
6 understanding of packetization would be part of that background.
7 JUDGE EASTHOM: Okay. So is there a big
8 (INDISCERNIBLE) between your two -- I'm just trying to understand if
9 there's much of a --
10 MR. DINOVO: Honestly, Your Honor, I think what happened
11 is they independently came up with their person of ordinary skill in the art,
12 and they differed. And so I think I agree with your implicit question, and I
13 can't point to a material difference that would change the outcome of this,
14 other than the fact that their expert wants to require an expertise in an area
15 that was relatively nascent at the time of the invention.
16 JUDGE EASTHOM: Okay. I understand. I see your point.
17 Okay. Thank you.
18 MR. DINOVO: So I'm not sure if I had completed that
19 thought. I think I did. But the patents do disclose the use of multiple
20 protocols, and in fact, he goes into some great length, the inventor, in the use
21 of multiple protocols, and in fact describes protocols in both of his first two
22 prior art diagrams, that you can tell that this person actually did implement a
23 system, because there's this -- I would call it almost a fixation on protocols

1 in the prior art, and the importance of the VPN tunneling to address some of
2 these protocol issues with disparate and hybrid systems in their
3 implementation.
4 So let me just share another screen if I could, briefly. So I don't
5 want to get into a major kerfuffle about every aspect of their presentation. I
6 will say that there was a statement that hybrid networks were ubiquitous,
7 more or less, and that Drell is a representation of a hybrid network. And this
8 in fact was the diagram shown to represent that, and I do not look at this
9 diagram as a representation of a hybrid network. Drell does discuss the fact
10 that you can have ethernet or pods, but it seemingly discusses those as
11 alternatives, and there's no discussion really of any hybrid nature of this
12 disclosure.
13 There was a question asked about IP and IP tunneling, and whether
14 that is necessarily a VPN tunnel. And the answer to that question, to my
15 understanding, is that IP tunneling may be used to facilitate different
16 protocols, but it's not necessarily the case. And so, I would contend that the
17 mere mention of IP tunneling does not necessarily entail the use of different
18 protocols.
19 There was also a statement by opposing counsel that Elliott teaches
20 VPN tunneling for communications, and in our view that is simply not
21 true -- for audio communications, and from our vantage point, that's not
22 true. I'll share this screen which I think is representative of their position,
23 and it appears multiple times in their briefing, and I think it was actually

1 alluded to today with some graphics.
2 So if you look at this passage that we have highlighted, Elliott
3 further teaches "the use of a virtual private network VPN which uses IP or
4 IP tunneling" for the transmission of "voice fax, data video," and then other
5 types of collaboration data during the conference. And if you look at
6 actually the citation to Elliott, each of these short excerpts appears two
7 columns away from one another. And so, Elliott does not teach this.
8 Essentially Elliott uses some of that language that we're all familiar with
9 from the patents, where there's a basic teaching of the patent, and then
10 there's some verbiage that you could apply this in a bunch of other contexts
11 that aren't discussed.
12 And so, what Elliott fairly teaches is the use of a pod system for an
13 agent to communicate with individual customers, and for the use of a
14 separate system to share URL information. And it is simply not the case that
15 Elliott teaches what they have spliced together from three different columns,
16 so we don't view this as a fair teaching that a person of ordinary skill in the
17 art would glean from this reference. Of course, there's certainly nothing
18 enabled in Elliott from this splicing together of three different columns to
19 make a single statement. That doesn't appear anywhere in Elliott.
20 JUDGE EASTHOM: Well, if we just look at Elliott, isn't
21 Elliott teaching that there's going to be a VPN or a VPN tunnel over that
22 internet Network 18? I thought you conceded that in your papers.
23 MR. DINOVO: There is one statement in Elliott, literally one

1 line that says you could put a VPN on the Network 18, which is exclusive of
2 the audio network. And so, that is the only teaching in Elliott.
3 JUDGE EASTHOM: Why is that exclusive? I mean, I'm
4 looking at Figure 1, and it looks like the agent computer is hooked up to the
5 internet. And so, I think there's also disclosure of a client computer hooked
6 up to the internet. So is a session server. I mean, it looks like everything's
7 basically hooked up to the internet. I don't even know how they talk to each
8 other over the internet 18 there.
9 MR. DINOVO: Well, if you look at -- and I think we're
10 looking at the same figure, Figure 1 of (CROSSTALK) --
11 JUDGE EASTHOM: Figure 1, yes.
12 MR. DINOVO: And I can put it on the screen, if it's helpful to
13 others. But what you see is there's a PSTN Network 30 on the top of the
14 page, and then there's an internet Network 18. And so, there's two different
15 channels, if you will, of communication. There's the PSTN channel, and
16 then there's the internet channel. The PSTN channel is used -- so basically
17 the agent was trying to sell a laptop or what have you to a client. Calls that
18 person and says, here. I'm going to send you a link to go look at the laptop.
19 It's 25 percent off. And so, there is no discussion of -- and in fact, 18 is
20 labeled as that second channel, the URL pushing channel, not the audio
21 channel.
22 JUDGE EASTHOM: Well --
23 JUDGE MCNAMARA: Counsel, this is -- I'm sorry. Go

1 ahead, Judge.
2 JUDGE EASTHOM: No. Go ahead, Judge.
3 JUDGE MCNAMARA: I'm trying to figure out -- I'm looking
4 at that Figure 1, and there's this I guess internet telephony gateway 32
5 between the PSTN and the -- let me see. Between the PSTN and the
6 Internet. There's no question that Elliott discloses that you can have -- that
7 the Network 18 -- this is at Column 4 -- it says can be either a public or
8 carrier-supported VPN, or local area network which uses IP or IP tunneling.
9 And then at Column 6, when it starts talking about this internet
10 telephony gateway, he says internet telephony -- or telephony. I'm sorry. I
11 don't know why I keep saying telephony -- telephony transactions are
12 facilitated by the internet telephony gateway provided as an interface
13 between the circuit switch PSTN and the packet switch to IP Network 18,
14 and their terminations are generally call centers. So I guess I'm a little bit at
15 a loss as to see where we're coming from by saying, well, there's no -- you
16 know, no use of the audio on a VPN.
17 MR. DINOVO: Oh. You're saying -- if I understand correctly,
18 Judge McNamara, you're saying that there is a conversion of the PSTN
19 audio that would go then through the internet line?
20 JUDGE MCNAMARA: Well, perhaps that's my question. Is
21 there or is there not? You know, it says there is a -- it's provided as an
22 interface between the PSTN and the packet switch to IP network. So is it
23 your position that there is not such a conversion, or that there's -- that that

1 doesn't do that?
2 MR. DINOVO: I think my position would be that the patent
3 doesn't teach -- my understanding of Elliott, and we'll look further at this for
4 our rebuttal comments, is that the basic concept is that the agent calls the
5 potential client on the phone through the PSTN network, as depicted. And
6 so, that would not entail the use of the internet for encryption. Certainly, at
7 least in the normal operation of Elliott, there would be no encrypted virtual
8 private network or tunneling.
9 As I said, Elliott -- and I'm trying to find the single line that refers
10 to it -- is basically you could put VPN on things. Oh, here it is, on Column
11 4. Network 18 can be either a public or a carrier-supported VPN or local
12 area network, which uses IP or IP tunneling. Other protocols can
13 alternatively be utilized. I think I would agree with the comment made
14 earlier that this is essentially agnostic or does not advocate the use of VPN
15 or VPN tunneling. And to the extent it suggests that it's a possibility, it
16 suggests that it's a possibility only for Network 18, and none of the audio
17 communications above Network 18.
18 JUDGE MCNAMARA: Okay. All right. I understand your
19 position.
20 JUDGE EASTHOM: I guess my question is I think that's sort
21 of a strawman argument. I don't think your friends are arguing that there's
22 any VPN connection between the two telephones up there in the PSTN
23 network. They're saying that the audio goes through the internet there in

1 packets.
2 MR. DINOVO: Well, I think my understanding is that they're
3 saying that this reference teaches the encryption of audio, or the use of a
4 VPN for audio. And my view, and our expert's view, is that what it teaches
5 is the use of the telephone network for the transmission of audio, and to the
6 extent that audio is communicated in another fashion through a VPN, it's at
7 best through -- I wouldn't even call it an embodiment. I would call it a
8 possibility that is --
9 JUDGE EASTHOM: Well, I mean, I guess, Mr. DiNovo, I
10 think what -- or maybe this is what Judge McNamara was asking -- the ITG,
11 that 32, it looks to be a gateway that transforms the voice data into packets,
12 right? I mean, that's the whole purpose.
13 MR. DINOVO: That is the purpose of that internet gateway, to
14 the extent it's necessitated. But my understanding is that in the normal
15 operation of Elliott, that it would not be necessitated.
16 JUDGE EASTHOM: I think I understand. So you're saying in
17 this specific embodiment, it's not necessary to -- when they're talking about
18 two telephones talking over the PSTN? Is that your point?
19 MR. DINOVO: Yes.
20 JUDGE EASTHOM: Okay.
21 MR. DINOVO: There's no recognition -- and even in the
22 single passage that mentions VPN or IP tunneling, there's no recognition of
23 the nature of the security concern here. There's not even a recognition of the

1 problem for the communication of the audio, and there is certainly no
2 teaching that can be fairly gleaned from this reference that it should be
3 applied to mixed audio channels.
4 JUDGE EASTHOM: Well, that leads me to my next question,
5 because VPN, it means virtual private network, right?
6 MR. DINOVO: Yes.
7 JUDGE EASTHOM: That's what the acronym means?
8 MR. DINOVO: Correct.
9 JUDGE EASTHOM: I was under the impression that when
10 anybody sees that, they know that means security. In fact, that's the claim
11 construction from the District Court, right?
12 MR. DINOVO: Well, the claim construction of the District
13 Court actually says -- no, it says something a little different, which is -- and
14 again, I think there's this notion of a public network versus a private
15 network, and the notion of it being virtual is that it is intending to duplicate,
16 or as closely as possible duplicate a private network over a public network.
17 JUDGE EASTHOM: Right.
18 MR. DINOVO: So --
19 JUDGE EASTHOM: How does that -- how does it do that?
20 How does it make it virtually private or a public network?
21 MR. DINOVO: There's different ways of implementing virtual
22 private networks, and I think one such way is through VPN tunneling.
23 JUDGE EASTHOM: I was under the impression that

1 encryption was the main way, according to the definitions of record here.
2 MR. DINOVO: Well, I think that's correct, yes.
3 JUDGE EASTHOM: So that's my question. If somebody
4 says, I have a VPN, don't they immediately know that you have encryption
5 over a public network?
6 MR. DINOVO: There would at least be some sort of encoding
7 that would render the communications nominally private. I guess I don't
8 feel certain that I could say that a VPN would always require encryption, but
9 I would agree with you that would be the most common embodiment of a
10 VPN. There may be some other encoding technique that would render it
11 difficult to glean, like multiplexing, time multiplexing or something, from
12 which you would need a key. But --
13 JUDGE EASTHOM: I understand. Okay. I appreciate that.
14 All right. Thank you.
15 MR. DINOVO: So just to clear up the issue about the VPN
16 textbook, we did not say that it was inappropriate to consider the VPN
17 textbook. What we said was that there had been half a dozen similar
18 references before the patent office, and presumably they picked this one
19 because it wasn't one of the other six, and therefore wasn't cumulative.
20 But we weren't disputing the fact that the VPNs preexisted our
21 invention of a video conferencing system. We were disputing the fact that
22 you could pick from a textbook and apply, using the claim as a template, to
23 apply VPNs at an appropriate place, consistent with existing patent law. So

1 we're not saying it's off limits. We're saying this has already been done in
2 the principal prosecution.
3 I'd like to go back to Elliott for a moment, another passage that
4 was discussed during the opening argument. And this is Elliott, Column 7,
5 lines 64 to 65. I'll see if I can share this. So this was in the location that
6 Petitioner points to, that Elliott teaches -- because fundamentally, Elliott's a
7 one to one communication, and the idea is that someone is selling you
8 something. And so, in that regard it is not a reference that a person of
9 ordinary skill would look to combine with the other references they rely on.
10 To overcome that basic teaching of Elliott, they point to this, that
11 the present invention uses the session server to conduct multiple sessions,
12 including end to end sessions from agents to clients. But what they didn't
13 mention is it appears to the client that there is a one-to-one direct link with
14 an agent. So here again, the concept that Elliott is directing the person of
15 ordinary skill to is that there is a one-to-one communication with an agent.
16 And the way, of course, that would have to be implemented is that the
17 customer or potential customers aren't talking with one another, or sharing
18 data with one another, or sharing collaboration data with one another.
19 JUDGE BOUDREAU: Mr. DiNovo, this is Judge Boudreau.
20 Is your argument here really just that the references aren't analogous?
21 Because it seems to me that Petitioner is really relying on Drell and Knappe
22 for all these limitations that --
23 MR. DINOVO: Well, one of our arguments is that they are

1 improperly combined, that there's no motivation to combine them.
2 Honestly, Judge Boudreau, at the moment, I was just trying to address
3 specific assertions made by Petitioner's counsel, and then I'm going to move
4 into my presentation in a moment. And I'm almost there, I promise. So --
5 JUDGE BOUDREAU: All right. Thank you.
6 MR. DINOVO: And then finally, Knappe, which is one of the
7 other elements that they rely on, and that Mr. Marton said we're relying on
8 Knappe for mixing. I will say that Knappe does disclose a mixer. It has
9 multiple summers in it, and does generate differentiated data streams, audio
10 streams in that regard. But at least with respect to several of the claims that
11 we're going to go through, what is missing from that disclosure or any
12 reference is that that is done at a local moderator client.
13 So what Knappe teaches is effectively a hub and spoked topology,
14 where you have participants on the periphery, and you have a data center in
15 the middle, and that data center is the only instance of a mixer, whether that
16 is one mixer or multiple mixers, which I think is one of the questions that we
17 addressed. It may require further claim construction, because the judge at
18 least in the prior case required each of the mixers to be independent. It's the
19 degree of independency, whether that's instantiation through software or
20 hardware or time, I think is something that may have to be fleshed out
21 further by the Court.
22 But the point is that at least in Knappe, which I understand is their
23 principal reference that they're relying on for this purpose, that logic and

1 that capability is never provided at the periphery or at the edge of the
2 network, and that is explicitly claimed in some of the claims that we're
3 going to walk through.
4 All right. So let me, if I could, turn to my presentation, and again,
5 I'll try to avoid duplication. All right. So I think we've probably talked
6 enough about the claim constructions in Elliott, that we do have the
7 separate -- I'm referring now to Slide 9. We do have this separate
8 communication channel between telephone lines, and there is a fixed
9 moderator, and a PSTN is used for talking, and there's a separate ability to
10 share computer programs, and there is no suggestion really of a multiparty
11 conference. There is discussion of an end to end or one to end conference.
12 But in each instance in Elliott, they say that it's intended to appear -- I think
13 the word they use is transparent -- that it's always a one-to-one conference.
14 So Drell is another of their principle references, and this has a
15 near-conference end point that has multipoint capability, with remote
16 multiple remote end points. The near conference end point generates its own
17 audio and video signals and receives audio and video signals from remote
18 end points. And there is a combination of the signals between the near and
19 remote signals, and saliently, for our discussion, there's no mixing at the
20 moderator client, and there's no concept of a moderator in Drell at all.
21 Knappe, what really Knappe is about is improving or rebalancing
22 the intelligibility of a moderator, and it does include a mixer, but as shown
23 in -- I'm seeing a disconnect between -- I'm sorry. Let me stop sharing my

1 screen a moment. I'm seeing a disconnect between my slides and the ones
2 being displayed, so let me try this one more time. Can you all see my slide
3 show at this point?
4 JUDGE EASTHOM: No, I can't. I saw Slide 2 for a while, but
5 again, if you want, we can just follow along. We have the slides. But you
6 know, I understand if you want to try to put them up and kind of --
7 MR. DINOVO: Well, I just thought it might be easier for
8 some, but let me try this one more time, and --
9 JUDGE EASTHOM: There you go. Now we have Slide 9.
10 MR. DINOVO: Okay. All right. I think now we're working
11 here. I think we were talking about Knappe. So Knappe, the network here
12 has a conference bridging call manager that is performing this function. The
13 conference bridging call manager are appliances or hardware and software.
14 They do not have associated with them a moderator. And so, in fact, I think
15 one of Petitioner's diagrams includes labels for each of the communication
16 devices as the participants, which would presumably be inclusive of the
17 moderator. But there is no local moderator that is performing the mixing.
18 VPN textbook, we've discussed. And so, just to walk through
19 some of the claim elements -- and Claim 10 is I think representative. Claim
20 1 is similar. This is in reference to the 380 IPR, and this is the '612 Patent.
21 There is receiving a first audio data at the local moderator client from the
22 PSTN and receiving a second audio data at the local moderator client from a
23 remote client through a virtual private network tunnel. We've talked about

1 the virtual private network tunnel and receiving a second audio data.
2 It's certainly true, regardless I think of whether or not the mixing
3 disclosed in Knappe is differentiated mixing, that this mixing does not occur
4 at a local moderator client, and therefore this sort of pushing the
5 functionality out to the edge, as claimed in Claims 1 and Claims 10, is not
6 present. I think we've already disclosed these aspects of Elliott.
7 So with respect to Claim 19, Drell is vague about how mixing
8 occurs. I think it's fair to say that it suggests mixing should occur, but that's
9 about the extent of the technical teaching. And so --
10 JUDGE EASTHOM: Well, I think Petitioner relies on Knappe
11 again in this claim, right?
12 MR. DINOVO: Right. You're right, Your Honor. I'm just
13 addressing Drell, because I think they also rely on Drell to an extent for that
14 point as well.
15 JUDGE EASTHOM: While I'm on the subject, can I ask you
16 about your response in the 380 case? I think Petitioner raised this. You
17 have a lot of arguments about Claim 19 but Claim 19 isn't at issue in the 380
18 case. Is that something we should somehow address, or how do we address
19 Claim 19?
20 MR. DINOVO: Well, I think you're right. I think we need to
21 clean that up, and I don't know the appropriate way to do that. I think we
22 did have a misnumbering of claims because of the other six IPRs, and I
23 guess we got that one wrong. But --

1 JUDGE EASTHOM: I mean, I guess one thing Petitioner did
2 was they tried to match up whatever, like elements were in Claim 19 to
3 Claim 10, and maybe that's the fairest way to handle it now. I don't know if
4 that's what you would -- I didn't see any comeback on that in the sur reply,
5 necessarily, so I assume that's the way you wanted to handle it?
6 MR. DINOVO: Yes. I think that's fine with us. I mean, I do
7 think there are important differences in the claims, but that any of the claims
8 have similar limitations.
9 JUDGE EASTHOM: Thank you.
10 MR. DINOVO: Let me see if there's any additional -- so here,
11 with respect to the differentiated strains, again I would emphasize that that
12 occurs only at the conference bridge, and it is not described as having video
13 data or collaboration data recited in Claim 1, in respect to the 377 IPR.
14 JUDGE EASTHOM: I think we lost your slides again. I don't
15 know if you intended to show them. Sorry.
16 MR. DINOVO: Okay.
17 JUDGE EASTHOM: Or you can just tell us the slide number if
18 you want.
19 MR. DINOVO: Sure. It was Slide 28.
20 JUDGE EASTHOM: Oh, okay. Thank you. We see it now.
21 Okay.
22 JUDGE MCNAMARA: Mr. DiNovo, doesn't Petitioner rely
23 on Knappe for the mixing in the 377 case? With respect to some of the

1 dependent claims?
2 MR. DINOVO: Yes. This statement I think is inaccurate. I
3 think you're right. Knappe, in addition to Drell, is relied upon for the
4 mixing. But again, as shown here in the diagram, Knappe has this central
5 call manager and conference bridge, which is different from performing that,
6 at least those claims that require doing that at the remote moderator client.
7 JUDGE MCNAMARA: But which claims in the 377 case
8 would require performing that at the remote moderator?
9 MR. DINOVO: With the 377, I'll have to go back and look,
10 but I don't believe those claims are at issue. So there, I think we're talking
11 more about the use of the VPN tunnels, and the specific configuration to --
12 so a lot of what I think this argument boils down to is there's no question
13 that they have references that refer to VPN tunnels in a different context, and
14 that refer to VPNs in passing, or for the principle reference as a one to one
15 reference, but they allude to in one sentence that this could be done in a
16 multiparty environment, even though they're going to hide that from people,
17 for example.
18 But none of these references fairly would teach to a person of
19 ordinary skill in the art that this combination should be made. And so, in
20 fact, the suggestion that this combination has been made before, or that it
21 was made, as was suggested during Petitioner's argument, is contradicted by
22 the fact that they have to extract various pieces from all of these references
23 and combine three to five references together for purposes of their argument.

1 Just a word about codecs, and this is Claim 6 of the '332 Patent in
2 the 377 IPR. Knappe and Drell don't teach encoding the first mixed audio
3 data into a first compressed audio data before transmitting the first mixed
4 audio data to the remote client. And in fact, Petitioner concedes that Knappe
5 doesn't disclose using codecs that compress.
6 They suggest, in their words, combining various aspects of
7 Knappe, which sounds an awful lot like using the claim as a template, but
8 presumably leaving out all of the contrary teaching of Knappe, which is
9 basically directed to mixing in a way to give the moderator priority. And
10 Knappe's codec doesn't contemplate compression. It's an A to D converter,
11 and that's at Column 4, lines 9 through 11. Unless there are further
12 questions, I think that takes me to my colleague, Mr. French's comments
13 with respect to the remainder of the IPRs.
14 MR. FRENCH: That's true, and I'll give the panel a second if
15 they have any more questions for Mr. DiNovo. I'll set up my slideshow
16 here. And can everyone see my screen?
17 JUDGE EASTHOM: Yes. It's showing up Slide 24 -- 34.
18 Sorry.
19 MR. FRENCH: Yes. I'm on Slide 34. And this is Mike
20 French for the patent owner, and I'll just be briefly responding to some of
21 Petitioner's remaining arguments. I'll try to save time. I'm going to go
22 straight to Slide 37. I'll see that. And from the 378 and 379 IPRs, this is the
23 only issue that I'll be touching on, which is Dependent Claim 3 from the

1 ’525 Patent. And we heard from Petitioner’s counsel about the voice over IP
2 references in Knappe, and those discussions, however, there’s a slight
3 nuance that I think has been kind of skipped over from Petitioner here.
4 And I’ll focus on Knappe’s discussion of the voice over IP codecs,
5 because as we know from the papers, there’s no disclosure in Drell of
6 specific voice over IP codecs and the use of those over a network. So
7 regarding Knappe, the mere conversion of the analog signal to digital signal
8 in a gateway, which is what Petitioners point to in Knappe, it doesn’t
9 actually disclose this limitation.
10 So the limitation in Claim 3 specifically requires a voice over IP
11 decoder to decode the PSTN client’s audio streams, and that is in order to
12 generate the first mixed data stream of Claim 1. So what we see from
13 Petitioner in Knappe is that there’s a gateway which receives the voice over
14 IP packets, presumably -- this isn’t actually specifically disclosed, but this is
15 what Petitioner argues. It will decode those and provide them to the PSTN
16 client. And the reverse is also allegedly true, that the PSTN client will
17 provide audio data, and that audio data will be encapsulated in voice over IP
18 packets, which then get sent over the network.
19 However, this claim, and what we don’t see in Knappe or Drell, is
20 that the voice decoder then must take that audio stream from a PSTN client
21 and decode it so that it can create these mixed audio streams. That’s the
22 only point that I’ll be touching on specific to the 378 and 379 IPRs, because
23 I think Mr. DiNovo covered most of the issues that cut across the rest of the

1 IPRs.

2 So I'll switch next to the 371 IPR, as it pertains to the '997 Patent.
3 And if we go down to Slide 39, Petitioner, as they describe in their
4 presentation, relies on two additional references. That is the De Moraes
5 reference and the Shepherd reference. And the specific focus of both of
6 those, allegedly from the petitioner, is this focus on multicasting, which is a
7 concept that is embodied in the instituted claims here for the '997 Patent.

8 Just focusing on De Moraes, it discloses a simple method of
9 conducting sharing using multicast addressing, but it does not describe any
10 use of a hybrid network. It does not describe the use of PSTN clients for
11 trying to take the data from PSTN client into a hybrid network which uses
12 multicasting, which is required by the claims. Additionally, Petitioner uses
13 the De Moraes reference to functionally smuggle in an additional
14 reference -- that is the RFC 1112 standard for multicasting, and I'll touch on
15 that some more briefly later.

16 If we go to the next slide, Slide 40, we discussed the second
17 reference that Petitioner has added for this specific IPR, and that is the
18 Shepherd reference. Now, the Shepherd reference is focused on how
19 multicasting data can be sent to devices -- destination devices is what the
20 Shepherd reference calls them. Destination devices that can't otherwise
21 receive multicast data. And so, in the system, a destination device will not
22 be able to receive the multicast data, so a router, separate from the
23 destination device, will take the multicast data, will see that it has been

1 marked for interception, and it will process that multicast packet, turn it into
2 a unicast packet, and send it directly to the destination device.
3 However, similar to the De Moraes reference, there's no reference
4 to a hybrid network or a hybrid conferencing network, specifically one that
5 includes data from a PSTN telephone, a PSTN network, a PSTN client, and
6 these operate independently of the Internet. And so, because of that, I'd
7 actually like to go slightly out of order. I'm going to jump to Slide 45 of our
8 presentation. And I think this element regarding the determining multicast
9 data from the unicast packet really highlights the tension that we focused on
10 in our papers, the Knappe reference, which Petitioner has as a primary
11 reference, and Shepherd and De Moraes reference.
12 So if I could point to page 60 of the 371 petition, the petitioner
13 cites to Shepherd, and this is when they're discussing the reasons to combine
14 Shepherd with Knappe. The Petitioner cites to Shepherd for the proposition
15 that the multicast method disclosed in Shepherd would reduce the cost of
16 delivering content to destination devices that would otherwise not be able to
17 receive multicast packets.
18 Now, at the same time, Petitioner, at pages 39 and 40 of the
19 Petition, and also in some spots in the response, argues that the multicast
20 appliances required by Claim 1 could be the communication devices 16 of
21 Knappe, in the form of an MBONE router described in De Moraes.
22 However, the MBONE router, which counsel for Petitioner just indicated is
23 a back-end router -- according to the petitioner, the MBONE router is itself

1 capable of receiving IP multicast packets. They discuss it several times, that
2 it is an end point, an end point between tunnels -- it's not an end point
3 between networks, but an end point between tunnels, that is capable of
4 sending and receiving multicast data.
5 And so, our position would be that the Petitioner cannot have it
6 both ways. Either the communication device 16 of Knappe is embodied in
7 an MBONE router from De Moraes, and that is capable, allegedly capable of
8 receiving multicast packets, but in that case, a POSITA would have no
9 motivation to combine their Frankenstein system with Shepherd. Because as
10 they specifically said in their argument, the reason to combine Knappe with
11 Shepherd would be to reduce costs because of destination devices that can't
12 receive multicast data.
13 However, if the alternative is true, and the communication device
14 16 of Knappe is not capable of receiving multicast packets, in that case,
15 Petitioner's arguments will fail. Because in Claim 1 in their Petition, they
16 point to communication device 16 as the multicast appliances, as you can see
17 on this slide, that fulfill the limitations required by Claim 1 as it pertains to
18 multicast devices. But if these communication devices are not multicast
19 capable, then they can't qualify for the multicast devices of Claim 1.
20 Now, with that framing in mind, I'm going to go back up to Slide
21 42, and this is back in Independent Claim 1 of the '997 Patent. And the
22 limitation requires sending a first message to each of a plurality of multicast
23 appliances, wherein the first message comprises a group address which

1 identifies a plurality of participants. Now, neither Knappe nor De Moraes
2 actually described a specific group address, which is what is required by the
3 limitation here.
4 Instead, the Petitioner only identifies the IP host group address
5 described as the RFC 1112 standard, but the RFC 1112 standard is not a
6 reference as a part of any ground in any IPR, as far as we understand. And
7 the De Moraes reference, which is actually there, does not discuss the
8 specific group message that goes to a plurality of multicast appliances over
9 the Internet.
10 Moving on to the next slide -- and I think there's been a lot of
11 discussion of what is moving through the network in Elliott. For this
12 particular discussion, I want to focus on the conference ID information,
13 which the claim requires to be provided by the telephone participant as a part
14 of the telephone participant joining the conference. Now, this is a pretty
15 specific scenario that we just don't see in Elliott. Elliott never discloses a
16 telephone participant using the session ID to join a conference. Instead,
17 there are a few different embodiments where a client will call in to Elliott,
18 and Elliott describes that that may be through the PSTN network, that may
19 be through a web server, be it a telephone call on their computer, as we
20 discussed earlier.
21 However, in every instance, in every embodiment, the conference
22 ID information is provided directly to the client when they log on and
23 download the applet that Elliot describes. So they receive the conference ID

1 information, and they are immediately in the conference. Now, I think
2 Petitioners may say that then the agents will join the conference using this
3 session ID from Elliott, but they aren't joining via telephone and providing a
4 conference ID. They are already on the phone, or already communicating
5 with the client in some form or fashion in every embodiment.
6 And so, they receive the conference ID information from the client,
7 but they aren't joining anything new. They already have audio
8 communication with the client in those embodiments. Yes. We will go on
9 to the next slide, Slide 44, which I believe will be my last slide. Now, this
10 authenticating the telephone participants in Claim 1 of the 371 IPR, the '997
11 Patent, Knappe is what the Petitioner focuses on, and that is just a specific
12 portion of Knappe in which priority is assigned based on a specific phone
13 number that is provided by the client to the participants in the Knappe
14 system.
15 But this has no relation to verification or authentication, or trying
16 to decide if this phone number is actually that phone number. Instead, it's
17 simply a way of keeping track of priorities, and Knappe even indicates if
18 there's no priority, preexisting priority for a certain phone number, which
19 again, there's no authentication. It will assign a default priority. Assigning
20 a default priority, and then maintaining a list of those priorities, is wholly
21 unrelated to authenticating whether a client is actually that client. I will
22 reserve the rest of our time, I think, unless the panel has any questions.
23 JUDGE EASTHOM: Thank you. I don't see any other

1 questions. Is somebody else going to speak further?
2 MR. DINOVO: No, Your Honor. That's it for our
3 (CROSSTALK) --
4 JUDGE EASTHOM: Oh, okay. Thank you. I just wanted to
5 double check, make sure I didn't jump the gun. So --
6 MR. DINOVO: Of course.
7 JUDGE EASTHOM: -- it looks like you have an hour and
8 seven minutes for rebuttal, if you want to use that. And then let me just
9 double check something here. Hang on one second, please. Okay. So
10 Petitioner, want to -- oh. Now I know what I was thinking. Why don't we
11 take a -- why don't we take a four-minute break, and come back at 2:35?
12 And we're adjourned until then. Thanks.
13 MR. MARTON: Thank you.
14 (Whereupon, the above-entitled matter went off the record at
15 3:31 p.m. and resumed at 3:35 p.m.)
16 JUDGE EASTHOM: Welcome back, everybody. This is
17 Judge Easthom. We're back on the record, and we're now going to hear
18 from Petitioner, who has 35 minutes of rebuttal left.
19 JUDGE BOUDREAU: I think you might be muted, Mr.
20 Marton. We still can't hear you.
21 JUDGE EASTHOM: We can almost hear you. Maybe it's
22 your volume.
23 MR. MARTON: Can you hear me now?

1 JUDGE BOUDREAU: Just barely.
2 MS. CHANG: Lower the volume.
3 MR. MARTON: There's no -- okay. Can you hear me now?
4 JUDGE EASTHOM: It's a little muted.
5 MR. MARTON: A little muted. Okay. I'm not sure what
6 happened. I might need (INDISCERNIBLE) --
7 JUDGE EASTHOM: I can hear. Can everybody hear okay?
8 That's probably (INDISCERNIBLE) -- or I don't know. Can the court
9 reporter hear you?
10 COURT REPORTER: I'm having difficulty hearing.
11 MR. MARTON: Can I restart my computer, potentially, or are
12 we -- something happened. It's showing me connection to the right
13 microphone. I'm seeing it on --
14 MR. DINOVO: I wonder if you can just rejoin the conference.
15 MR. MARTON: Yes. Can I rejoin the conference?
16 JUDGE EASTHOM: Sure. We'll wait. Go ahead.
17 MR. MARTON: My apologies.
18 JUDGE EASTHOM: No, no.
19 MR. MARTON: How about now?
20 JUDGE EASTHOM: There you go.
21 JUDGE BOUDREAU: Much better. Thank you.
22 MR. MARTON: Yes. Something funky just happened with
23 my computer, and certain documents closed, and then the microphone was

1 acting bizarre. But I think we're good. Okay. I'm going to address just a
2 couple of things quickly. One issue that I just want to point out to the Board
3 before we move on, given all the questioning related to combining Elliott
4 with Drell and/or Knappe, I just wanted to point out at Slides 31 and 32 --
5 and let me share my screen. Bear with me.
6 At Slides 31 and 32, there are citations to all of Dr. Houh's
7 declarations regarding this combination and the motivation to combine. I
8 think he does a very thorough job of explaining why one skilled in the art
9 would have known to use VPN tunneling in the context of a hybrid network
10 conferencing system, so I just want to make sure. It's an easy place to look
11 to see all the citations in one place.
12 Then next I want to jump to Slide 24 of our presentation, and this
13 relates to an argument that Meetrix made at the beginning of its presentation,
14 that Drell is somehow not a hybrid network conferencing system. Looking
15 here at Figure 1, it does not specify, as we noted, what the remote end points
16 are, in terms of whether they're PSTN or Internet-based clients. However, if
17 you look at the accompanying text in Drell at Column 3, lines 33 through 38,
18 it explains that although a single network is shown, the invention
19 contemplates the use of two or more networks, for example, PSTN and
20 Internet. So it is a hybrid network. It expressly discloses a hybrid network,
21 where you have both PSTN and Internet-based clients. So I just wanted to
22 correct the record there.
23 Now I'm going to jump to Slide 25, and I think the Board, based

1 on its questioning, probably understands this, but I want to address it again
2 anyway. An argument that Meetrix makes with respect to Elliott is that it
3 only discloses URL pushing through the internet, and it does not disclose
4 internet telephony, and that this connection here between the agent telephone
5 and the client telephone is just through the PSTN network. That is
6 fundamentally not the case. As the Board has already recognized, there is
7 this ITG gateway in Figure 1 which connects the PSTN network to the
8 internet, enabling internet telephony connections -- I struggle with that word.
9 And the patent explains this in great detail. If we look at 1006, if it
10 hasn't been closed -- 106 Column 6, line 7. No, it's actually 1007. My
11 apologies. I have too many things open. 1007, Column 6, lines 6 through --
12 or 7 through 11. It explains that internet telephony transactions are
13 facilitated by the ITG. That's the gateway, which is provided as an interface
14 between the circuit switched PSTN and the packet switched IP network.
15 Terminations are generally such as call center 22.
16 In addition to that disclosure, at Column 9, line 3, it refers -- again,
17 Elliott refers to a call back can be placed by an agent to a client over the
18 internet or the PSTN. So there is clearly audio data that goes through the
19 internet, and is protected via the VPN and --
20 JUDGE EASTHOM: Mr. Marton, can I --
21 JUDGE BOUDREAU: Can we pause for just one minute? It
22 looks like Judge McNamara lost his audio connection. Judge McNamara,
23 are you able to hear us again?

1 JUDGE MCNAMARA: Can anybody hear me? I appear to
2 have lost audio on this end. I'm not hearing anything.
3 JUDGE EASTHOM: We can hear you.
4 JUDGE MCNAMARA: Unfortunately I don't hear you, and
5 I'm not sure why. Could you just hold on for a minute while we work this
6 out? All right. I apologize. I apologize, but I guess I'm going to have to
7 drop off the conference and try conferencing back in. All right. I am back
8 in, but can you hear me?
9 JUDGE EASTHOM: Yes, we can hear you. Can you hear us?
10 JUDGE MCNAMARA: Now I can hear you. Okay. Great.
11 Thank you very much. Apologize --
12 JUDGE EASTHOM: Okay.
13 JUDGE MCNAMARA: -- for the delay.
14 JUDGE EASTHOM: Okay. And then we just -- Mr. Marton,
15 you were four minutes into your rebuttal, so you have 31 minutes left. We
16 stopped the clock there.
17 MR. MARTON: Okay. Thank you very much.
18 JUDGE EASTHOM: Okay.
19 MR. MARTON: Judge McNamara, I'm not sure if you heard
20 what I said about Column 9.
21 JUDGE MCNAMARA: I did not. Actually, what I heard --
22 about when you dropped out was when you started using the improper
23 pronunciation of telephony, just like I did.

1 MR. MARTON: Now it's in my mind. I don't --
2 JUDGE MCNAMARA: I know. I ruined you.
3 MR. MARTON: All right. Well, I think the point, just to
4 summarize, is that Elliott expressly discloses the use of internet telephony.
5 It doesn't limit audio communications between standard PSTN or pots
6 communications. And in Column 9 of Elliott, at line 3, it expressly -- among
7 other places, it expressly says call back can be placed by an agent to the
8 client over the internet or PSTN. So the fact that there's a gateway that
9 connects the PSTN network and the Internet, and the statements made in the
10 specification, there clearly is a disclosure of audio data that goes through the
11 internet and is protected via VPN and VPN tunneling.
12 JUDGE MCNAMARA: Okay. Okay. I appreciate that. It's
13 funny. I was looking at the four examples right above that, however, and
14 was wondering about that. Because those really do seem to go more to this
15 issue of pushing a URL, or some other kind of approach that doesn't
16 necessarily involve that kind of call back, so --
17 MR. MARTON: Yes. Not every embodiment requires use of
18 internet telephony, but it is disclosed nonetheless.
19 JUDGE MCNAMARA: Okay. Thank you.
20 MR. MARTON: Then there was another argument that
21 Meetrix made with respect to Knappe, arguing that none of the sort of
22 mixing happens, or could ever happen at the remote devices. They're
23 arguing that it always happens at a server. Well, actually, Knappe expressly

1 discloses, in Column 4, line 30, that the network includes a call manager and
2 conference bridge. The call manager and conference bridge may be located
3 in a central facility, or have their functionality distributed across or at the
4 periphery of the network, and that would be out to these devices, so.
5 And then the final point that I wanted to address was with respect
6 to codecs, and that is at Slides 50 and 51, which I will jump forward to.
7 Again, Meetrix appears to argue -- it appears to ignore in many of their
8 arguments that we are doing a 103-obviousness combination for every
9 ground and nitpicks that certain references do not disclose elements that
10 we're not relying on the reference for.
11 And in particular, they argue that the codec in Drell is not
12 disclosed for transmitting mixed audio data, but we don't rely on the codec
13 in Drell for mixed audio data. We just rely on the codec in Drell to show
14 that audio data, mixed or not, is regularly transmitted, and known to be
15 transmitted, compressed using that codec, and we rely on Knappe for the
16 specific mixing. And that's all I have. I'm going to hand it over to my
17 colleague, Ms. Chang, to address arguments specific to the '525.
18 MS. CHANG: Thank you. Carolyn Chang for Petitioners. I
19 wanted to address one argument that Patent Owner raised with respect to the
20 mixing limitations. I think what Patent Owner said was our reliance on
21 Knappe for mixing is misplaced, at least with respect to some claim
22 limitations, because Knappe's mixing is done at a local moderator. I think
23 we should be very clear as to what limitations we are talking about, so if we

1 could go to Slide 12? The local moderator limitations exist only in Claim 10
2 of the 612 Patent, so that would be for IPR 380, and Claims 9 and 17 of the
3 '525 Patent, so if we could go to Slide 13? That would be the 379 IPR.
4 And if you notice, for both those grounds, for those petitions, the
5 primary reference we rely on is Drell, and not Knappe. So what we have
6 shown in our Petition is that Drell does disclose having mixing done at a
7 local participant's computer, and if that local participant is designated as
8 moderator, that would be the local moderator. So contrary to what Patent
9 Owner is arguing about, there's no mixing done at a local moderator, we are
10 relying on a combination of Drell and Knappe where the teachings of
11 specifically how to mix using separate multiple summers in Knappe can be
12 implemented at a local device that could be designated as a moderator.
13 And as Mr. Marton had already pointed out, there is a disclosure in
14 Knappe at Column 4, lines 30 to 34, that says the kind of centralized call
15 manager, call bridge that does the mixing in Knappe can be distributed. So
16 there is teaching in the references that would motivate a person of ordinary
17 skill to combine that and implement the multiple mixers in Knappe in a local
18 device like in Drell.
19 The other argument I wanted to address is with respect to Claim 3
20 of the '525 Patent, so that would be in IPR 378. And it's the argument that
21 Patent Owner made that there's no disclosure of a voice over IP decoder that
22 receives the data from a PSTN client and decodes it. I think again, the
23 ground is Drell in combination with Knappe, and what we showed in our

1 Petition, if we can take a look at the disclosure in Knappe on -- that's
2 Exhibit #1006, at Column 3 and 4. So let me go to that page.
3 So down toward the bottom, Column 3, lines 50 through 57, talks
4 about telephony voice information is transmitted in the voice over IP format.
5 Real time IP packets such as VoIP packets are encapsulated in real time
6 transport protocol packets for transmission over Network 14. And then if we
7 move on to Column 4 at line 9, it discloses a codec which is a coder/decoder
8 that converts audio generated from users from analog signals into digital
9 format. The digital encoded data is encapsulated into IP. And it ends with
10 IP packets received from the Network 14 are converted back into analog
11 signals and played to the user.
12 So what we have here in the disclosure in Knappe is the idea that
13 we are communicating using VoIP technology and receiving data from a
14 PSTN client. And we do have a coder and decoder for decoding the
15 information that's received over the network from the PSTN client, so there
16 is disclosure in Knappe that talks about a VoIP IP -- VoIP decoder. Excuse
17 me. And that's all I had on those two issues. Unless there's any questions,
18 I'll hand it off to Mr. Ribera.
19 MR. RIBERA: All right. Thank you, Carolyn. This is Hector
20 Ribera, and I just want to address a couple of issues raised with respect to
21 the 371 IPR. The first one is the notion that De Moraes -- the De Moraes
22 and Shepherd references that we use in the Petition, the 371 Petition, do not
23 disclose PSTN networks or a hybrid network with respect to multicasting,

1 which is what's claimed in the 907 Patent.
2 But again, Meetrix takes this approach of picking references
3 individually, and not the combination that we are using in the Petition. And
4 in our Petition, the PSTN aspect and the hybrid network for conferencing is
5 shown in Knappe. And if we can see, Knappe at Column 4, around line
6 50 -- so there's a disclosure in Knappe expressly noting that the call manager
7 can receive service requests from the communication devices in the network,
8 including the standard telephones on the PSTN through the gateway, and
9 these service requests can include the use of multicasting. That's expressed
10 in line 51. So Knappe teaches that multicasting is one of the features that
11 can be used in a hybrid conferencing system, and that's our -- we rely on
12 Knappe for the teachings regarding the hybrid conferencing system.
13 Then another argument that's raised by Meetrix was that the
14 combination of a multicast appliance that provides cost savings would be
15 limited to having end point devices that are not multicast enabled, but that is
16 not at all what we're arguing, or what is required from our argument. If we
17 look at De Moraes on page 7 -- it's Exhibit #1022, page 7, right there -- so if
18 we see down at the bottom what he's talking about, the MBONE network,
19 the three lines right above the diagram say IP multicast packets are
20 encapsulated for transmission through tunnels, so that they look like normal
21 unicast packets through intermittent routers and subnets.
22 So when we're using the public internet to transmit conference
23 information, which is what these hybrid networks do, there will be parts of

1 that public internet that include non-multicast capable routers or subnets, and
2 to transfer the multicast data through those subnets, it was well known, and
3 specifically taught by De Moraes that you could use IP or unicast
4 transmissions to go through those routers, encapsulating the multicast data
5 inside those unicast transmissions.
6 So that is expressly taught in De Moraes, and that's a way to
7 provide -- but you don't have to have a private specific multicast network,
8 because you can use the internet. It would be cheaper to just use standard
9 internet communications, and you would encapsulate multicast packets
10 inside unicast packets to go through these routers that are not multicast
11 enabled until you get to a multicast enabled router, and then you pull out or
12 you encapsulate the multicast data from the unicast packet. So that is taught
13 in De Moraes in the context of a conferencing system, and that is also taught
14 in Shepherd, more specifically indicating how you decapsulate the multicast
15 data from these unicast packets.
16 Then talking about the group address, if we can pull out Slide 84
17 from our presentation, please? Meetrix made an argument that we are trying
18 to sneak in or smuggle RFC 1112, but that is not at all what we're doing.
19 What our expert testified in his declaration is that a person of ordinary skill
20 in the art, when reading De Moraes, which expressly makes a reference to
21 RFC 1112, would know that sending multicast messages necessarily
22 includes the notion of a group address, which identifies a plurality of
23 participants.

1 And in order to support Dr. Houh's statement that this is not
2 something that he's making unfoundedly, he relies on RFC 1112, which is
3 the IP multicasting standard which is expressly cited in De Moraes, to
4 support this notion that a person of ordinary skill in the art would be familiar
5 with this, and would know that there is a group address specified in IP
6 multicast packets. So we're not relying on RFC 1112 itself, but on the
7 knowledge of a person of ordinary skill in the art understanding of the
8 reading of De Moraes, and the specific reference to this RFC.
9 The next point Meetrix raised was with respect to conference IDs
10 and Elliott, and if we go to Elliott, Column 9 -- first of all, in our petition we
11 show that session IDs are the way to join sessions in Elliott, so anyone
12 who's joining a session provides the session ID. And the argument from
13 Meetrix's counsel is that, well, you know, the session ID is always provided
14 after the participants of the conference are already connected, and that is not
15 the case.
16 So in the example at the bottom of Column 9 -- if you keep going.
17 Scroll towards the bottom -- there's one example where there is one agent in
18 communication with the customer, and these are both participants on the
19 session. And then a second agent is joining this established session, and in
20 order to join an established session, that agent needs to provide a session ID.
21 And that agent, as we saw earlier at the top of Column 9, could be joining
22 via the internet, or be joining via a PSTN.
23 And in fact, if we look at Figure 1, agents can join the sessions

1 using their telephones. They have an Agent Telephone 26, and they're
2 joining the session. It would be via the gateway ITG 32, so that session ID,
3 that second agent joining the session would be providing that session ID, and
4 then joining via the gateway an established session. So there is clearly a
5 teaching of a session ID being conference information.
6 JUDGE EASTHOM: (CROSSTALK) --
7 MR. RIBERA: Lastly --
8 JUDGE EASTHOM: -- they would join in an audio, so there
9 would be three people in on this audio thing with the same session number?
10 MR. RIBERA: Correct. Because Elliott teaches that in order to
11 join a session, you need to have the session ID. So any time there's a
12 joining of somebody joining a session, it's through the use of a session ID.
13 And Meetrix's arguments through all their papers is that the session IDs are
14 exclusively one to one, and this example -- I mean, there's ample disclosure
15 in Elliott that that's not the case, but this particular example shows that the
16 same session ID is shared by three participants to the consult, so it's not one
17 to one. It's conference information, and it's three participants are joining the
18 same session through the use of a session ID.
19 JUDGE EASTHOM: Okay.
20 MR. RIBERA: And then lastly, there was some argument
21 about authentication, on how Knappe teaches assigning default parameters
22 to conference participants. And again, this is just reading one narrow
23 example from Knappe. So if we go to Knappe at Column 9, which is

1 Exhibit #1006, at the top of Column 9, starting on the first line, it's talking
2 about where the conference bridge stores priorities associated with various
3 individuals that are used as default for a particular conference call. But
4 they're not always default. They can be either automatically established
5 based on phone numbers, employee numbers, IP addresses, name, titles, et
6 cetera.
7 So it's not limited to just phone numbers and caller ID, but there's
8 other ways to authenticate users, and then those priorities can be updated
9 periodically. So they're stored in the database and updated periodically to
10 reflect promotions or other changes that may impact the hierarchy within an
11 organization. So these are parameters that are stored in the database for
12 particular users, so the users are authenticated when they join the session in
13 order to be given these parameters that can change over time with
14 promotions or changes. So this is not just limited to default parameters that
15 are not associated with specific users.
16 And I think those are the issues that I wanted to respond to. If
17 there are any other questions, I'll be happy to address those. I cannot hear --
18 JUDGE EASTHOM: Thank you, Mr. Ribera. Yes. I
19 appreciate that. So --
20 JUDGE BOUDREAU: No questions from me.
21 JUDGE EASTHOM: I don't see any other questions. Does
22 anybody have a question? Sorry.
23 JUDGE MCNAMARA: No. Not from me.

1 JUDGE BOUDREAU: Nothing from me either. Thank you.
2 MR. RIBERA: Thank you.
3 JUDGE EASTHOM: Okay. Why don't we hear from Patent
4 Owner? Mr. DiNovo or Mr. French, either one?
5 MR. DINOVO: Yes. Thank you, Your Honor. This is Mr.
6 DiNovo for the patent holder, Meetrix. And so, I think this will be relatively
7 brief. I did want to address the question that Judge McNamara had raised
8 about Elliott and the disclosure of the ITG. And you see I'm pretty bad at
9 this, but I'm going to try to share my screen.
10 So there's a single reference to the ITG unit here with the
11 telephony gateway, and so it does teach that there's this ITG in it which
12 allows a circuit switch PSTN, and then an interface between the circuit
13 switch PSTN and the packet switched networks. I think it's important to
14 note what it says here, which is terminations are generally call centers, such
15 as Call Center 22. And so, once again, this is a one-to-one communication.
16 So even in the few words that are directed to end to end or one to end or end
17 to one communications, it's always one to one, and that's important in the
18 context of the claims.
19 I'd like to look at this other passage, which is addressed to the
20 implementation of VPN tunnels, or rather VPN. And here again it's one
21 passage, and I think as one of the judges observed, it's pretty agnostic about
22 the type of system or network that can be applied. And so, it says the
23 network can be either public, carrier-supported virtual private network, a

1 local area network which uses IP or IP tunneling, or other protocols. So
2 pretty much the universe of communications is covered here, and VPNs are
3 not taught for the protection of audio.
4 Now, if we look at Claim 10 of the '612 Patent in connection with
5 the 380 IPR, I think actually looking at the language, and if you compare
6 that to Figure 3 of the patent, of the '612 Patent -- and I'll see if I can pull
7 that up -- there's a world of difference in terms of what that teaching is. And
8 so, here the '612 Patent is quite explicit that you have a VPN that goes from
9 client terminal to other client terminals. The PSTN network does not
10 include the VPN line, consistent with our earlier comments. But you see the
11 VPNs disposed between each of these communication lines, end to end.
12 And if you look at Claim 10, you'll see that there is a VPN tunnel
13 claimed, both with respect to second audio data -- or excuse me, receiving
14 second audio data, receiving first audio data, transmitting third audio data,
15 and transmitting fourth audio data, all through -- well, at least the first three,
16 all through VPN tunnels. And so, that simply isn't disclosed in the one-to-
17 one network of Elliott.
18 Also, I didn't hear any comments in the rebuttal about the multiple
19 protocols that we've discussed. The best that we heard was a passing
20 reference to IP tunnels in Elliott, and we've not heard any proof or anything
21 in the record that that would include different protocols as required by the
22 District Court's construction, and that we would advocate be adopted here.
23 JUDGE EASTHOM: Mr. DiNovo, could you respond to your

1 friend's argument about the session with the three people sharing the same
2 session number, on the bottom of Column 9 of Elliott? Do you recall that
3 discussion?
4 MR. DINOVO: Honestly, Your Honor, I will try, but I think I
5 would probably botch it. I think this is an issue that my colleague has
6 addressed, so maybe Mr. --
7 JUDGE EASTHOM: Okay.
8 MR. DINOVO: -- French can address it?
9 JUDGE EASTHOM: Okay. That's fine. We can hear from
10 Mr. French on that.
11 MR. FRENCH: Sure. If you want me to go right now, that is
12 fine. I think as far as the multiple agents joining a single session disclosure
13 there, I know at least as it pertains to the 371, there was a reference about the
14 conference ID, the session ID being provided when these participants join.
15 And if you look at all the embodiments where an agent joins, because this
16 disclosure is specific to only the agent on the agent side, the agents at the
17 call center, they all join via the web. They all join by logging in to the
18 session server and joining the server. They don't --
19 JUDGE MCNAMARA: I'm sorry to interrupt again. I appear
20 to have lost audio again, and this time I got a visual message telling me I
21 can't hear. Apologies, but I'm going to -- can you guys hear me? Just nod.
22 Okay. Then I will just have to get off and get back on. My apologies. All
23 right. I think I can hear you. Can someone -- Judge Easthom, can you --

1 JUDGE EASTHOM: Yes. Can you hear me?
2 JUDGE MCNAMARA: Yes, I can. Okay. Good.
3 JUDGE EASTHOM: Okay.
4 JUDGE MCNAMARA: Thank you so much. And Counsel,
5 would you start back on the beginning of your discussion of the Column 9,
6 responding to the petitioner's arguments on that issue?
7 MR. FRENCH: Okay. So as I was saying, in Column 9 we see
8 this discussion that Petitioners have pointed to, where multiple agents join
9 the same session. However, the method of joining a session for an agent is
10 provided in the various embodiments in Column 8, going down through the
11 top of Column 9. And in each of those embodiments, the agent does not call
12 in and provide a conference ID number. Instead, the agent uses the session
13 server and logs in to the session.
14 There's no indication where an agent calls in, and I believe
15 Counsel mentioned that an agent could use a PSTN network to call in to a
16 session, but that is not disclosed anywhere in Elliott. Instead, the only use of
17 the PSTN network is when a client calls an agent at the call center. And
18 perhaps, Judge Easthom, your question was more specific, or did that answer
19 it?
20 JUDGE EASTHOM: No, I think you answered it. My
21 question was it seemed that this was a way, when I asked your friend, that
22 three people could be hearing each other audio-wise. And I guess your
23 answer is what?

1 MR. FRENCH: Well, as far as that is the case, we don't
2 actually see that specifically described. We see multiple agents, and we
3 don't see multiple agents talking. The embodiment disclosed at the bottom
4 of Column 9 and the top of Column 10 is that an agent could -- a second-
5 level agent could join the session and push URLs to the client. And what it
6 says at the top of Column 10 is the first-level agent can stay in the session
7 and see what the second-level agent is doing, or can drop out, and we don't
8 actually see an audio conference.
9 Now, there is, as I think we've discussed a few different times, a
10 passing reference to the various applets and applications that the web server
11 can provide. And that in Elliott was at the bottom of Column 6, and it
12 mentions that you could use a video application for a video conference, or an
13 internet telephone application for audio conferences. However, we don't
14 actually see that embodiment portrayed in Elliott. We don't see any
15 discussion of multiple users providing audio. And in no embodiment do we
16 see three people talking at the same time, over the phone or in an internet
17 telephony situation.
18 JUDGE EASTHOM: Thank you. Okay.
19 JUDGE MCNAMARA: Counsel, Judge McNamara again.
20 Just to confirm, you're saying -- the one other thing that you said was that
21 there was no indication that the second level support agent would log in
22 using some sort of a group ID number. Is that right?
23 MR. FRENCH: As a telephone participant. So I think --

1 JUDGE MCNAMARA: Okay.
2 MR. FRENCH: -- it's specific to the claim language. They
3 would be provided the session ID number, and according to Elliott, they can
4 see all the sessions in play at the session server, and they could click on the
5 one that they are supposed to join. But there's no telephone participant
6 providing, as a part of joining the conference, the conference ID
7 information.
8 JUDGE MCNAMARA: Okay. Thank you.
9 MR. FRENCH: I'll pass it back to Mr. DiNovo if he has more
10 rebuttal.
11 MR. DINOVO: I do. Thank you, Mr. French. So just briefly, I
12 did want to talk about Knappe, and this comment in passing about in the
13 periphery of the network. So just to be clear, the explicit limitations in
14 Claim 10 of the '612 Patent relating to the 380, for example are receiving
15 first audio data at the local moderator client from the PSTN client through a
16 PSTN gateway, and then secondly, receiving second audio data at the local
17 moderator client from a remote client through a virtual private network
18 tunnel, and then there's transmission of data following that.
19 So there is no disclosure, even in this little passage that they're
20 pointing to, that any of this functionality that is being pushed out to the
21 periphery would be at a local moderator client. Instead, the only disclosure
22 in Knappe is that this is performed at a -- what they call -- I'm sorry -- that
23 Knappe calls the conference bridge end call manager. And so, even if that

1 conference bridge end call manager were pushed to the periphery in a
2 manner that is not disclosed from a technical level, it is not suggested
3 anywhere in the passage that that would be performed from a local
4 moderator client.
5 And finally, the comment with respect to Drell. There was a
6 comment -- there was a passage put on the screen, which I think was one
7 sentence, that it could be different protocols. There again, Drell has no
8 disclosure about how different protocols would be implemented, or the use,
9 for example, of VPN tunnels to allow the use of different protocols in
10 addition to security.
11 And the comment was made that Drell could do the mixing at the
12 monitor, if a monitor was designated. Well, Drell doesn't have the concept
13 of a monitor, and there's no mention of that concept. And so, the idea that
14 somehow it would be at a monitor client is something that would have to be
15 extrapolated. Presumably they would pick that from the other references,
16 but that's simply not present in Drell. And those are the extent of my
17 comments, unless there are any questions.
18 JUDGE MCNAMARA: Actually, I have one more question.
19 This is Judge McNamara again.
20 MR. DINOVO: Okay.
21 JUDGE MCNAMARA: And this goes back to Elliott. We
22 were talking about it a minute ago in Column 9. I just looked up at the
23 comments Petitioner had made referring to a call back request, and I'd like if

1 maybe you could give me some indication as to what the implications of this
2 are. When he referred -- when Counsel for Petitioner referred to a call back
3 can be placed by an agent over the internet or the PSTN, that's a call back in
4 the context of a response to a call back request, because that's what it says at
5 the bottom of Column 8. It refers to the call back request can be either an
6 immediate call back request, if the client has two lines, or a delayed call
7 back request. Can you give me some idea as to what you think the
8 implications of that are, relative to the claims?
9 MR. DINOVO: Mr. French, I assumed you were going to take
10 that one.
11 MR. FRENCH: Yes. I'm sorry, Judge. I think you referenced
12 Petitioner. Were you referring to the Patent Owner?
13 JUDGE MCNAMARA: Yes. I think Petitioner had made an
14 argument that there was a -- this is Patent Owner's surrebuttal, so the
15 question is directed to you.
16 MR. FRENCH: I understand.
17 JUDGE MCNAMARA: I think the Petitioner made an
18 argument about this call back request, about a call back being placed either
19 over the Internet or the PSTN, and that's a call back. That's as opposed to
20 two calls going on at the same time, or -- and so, it refers to an immediate
21 call back request if the client has two lines, or a delayed call back request.
22 And now that I look at the word call back request, I'm wondering if that is --
23 if that has some implications here as to your position that you don't have

1 audio and data or whatever going on at the same time here.
2 MR. FRENCH: So I think, if I understand Your Honor's point,
3 your hesitation here is from the call back request being sent from an agent to
4 the client? Is that the issue?
5 JUDGE MCNAMARA: That appears to be what this is, right?
6 A client can access the web server and place a call back request. This can
7 either be an immediate call back request, if the client has two lines, or a
8 delayed call back request. And then Petitioner then cited, well, the call back
9 request can be placed by an agent to the client over the Internet or the PSTN.
10 But I'm trying to get your take on whether or not that has any implications
11 for the claims in this case.
12 MR. FRENCH: Yes. I understand now. So the claim requires
13 that -- and as we've been discussing, that the conference ID is provided and
14 the telephone participant joins. And in this example here, the client calls to
15 the call center, places a call back request. The agent then can return the call
16 over the internet. However, if you see at the bottom of that paragraph, when
17 the call back is placed, the agent instructs the client to go to the website and
18 proceed as in example 1.
19 So if you go back to example one, we still don't have a session ID.
20 There's no session ID instantiated yet, because the client has not
21 downloaded the applet, so there's no conference ID. So the call back request
22 coming from the agent -- again, this is not agent to agent or multiple agents
23 joining. It is an agent calling back the client. And you know, that reference

1 to when there's -- if a client has two lines, I believe that's a reference to a
2 dial up connection. If the client only has a dial up connection, and their
3 phone can't be tied up while they're on the internet at the same time, they
4 need a delayed call back request from when they are -- have now gotten off
5 it. Did that answer your question, Judge?
6 JUDGE MCNAMARA: It does. Thank you very much. I
7 appreciate it. Okay.
8 MR. FRENCH: If there's no other questions, I had one other
9 point I wanted to discuss in rebuttal very briefly. Counsel for Petitioner
10 again pointed to the same discussion as they do in their papers regarding
11 authentication, and this is for the Claim 1 of the 371 IPR, the '997 Patent.
12 But I think again, there's no authentication there. You can see an ID number
13 and you can match it to a database, but you don't know that that ID number
14 is actually who is supposed to be behind that ID number, which I think is
15 embodied in the idea of authentication. That's my last point.
16 JUDGE EASTHOM: Okay. Thank you. Do we have any
17 other -- Mr. DiNovo, you're all set? Well, on behalf of the panel, I just want
18 to thank everybody, both sides. You did an excellent job of presenting
19 everything, and it's obvious you have a good grasp of the record, which
20 helps us try to make the right call on these. And we appreciate your patience
21 with all the video stuff, and we also appreciate the way you put all these
22 together and combined the issues and worked together. We really appreciate
23 that. So with that, we're adjourned.

1 (Whereupon, the above-entitled matter went off the record at
2 4:25 p.m.)

IPR2023-00371 (Patent 8,339,997 B2)
IPR2023-00377 (Patent 9,253,332 B2)
IPR2023-00378 (Patent 9,094,525 B2)
IPR2023-00379 (Patent 9,094,525 B2)
IPR2023-00380 (Patent 9,843,612 B2)
IPR2023-00382 (Patent 9,843,612 B2)

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