

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ASKELOADDEN L.L.C.,
Petitioner

v.

LIBERTY PEAK ADVENTURES L.L.C.,
Patent Owner.

IPR2023-00421 (Patent 7,837,100 B2)
IPR2023-00422 (Patent 8,905,301 B2)

Record of Oral Hearing
Held: April 25, 2024

Before DANIEL GALLIGAN, SHARON FENICK, and SCOTT
RAEVSKY, *Administrative Patent Judges*.

IPR2023-00421 (Patent 7,837,100 B2)

IPR2023-00422 (Patent 8,905,301 B2)

APPEARANCES:

ON BEHALF OF THE PETITIONER:

CHARLES MACEDO, ESQUIRE
KEITH BARKAUS, ESQUIRE
THOMAS HART, ESQUIRE
Amber Rothstein & Ebenstein LLP
405 Lexington Avenue
New York, New York 10174
(212) 336-8000

ON BEHALF OF THE PATENT OWNER:

TAREK FAHMI, ESQUIRE
Ascenda Law GROUP
2150 First Street, Suite 420
San Jose, California 95131
(866) 677-4883

The above-entitled matter came on for hearing on Thursday, April 25, 2024, commencing at 3:02 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

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

2 - - - - -

3 JUDGE RAEVSKY: Good afternoon, this is Judge Raevsky. Welcome
4 to the Patent Trial and Appeal Board. I'm joined today by Judges Fenick
5 and Galligan. And we're here today for oral argument in inter partes review
6 numbers 2023-00421 and 00422 in which Askeladden L.L.C. is the
7 Petitioner and Liberty Peak Adventures, LLC, is the Patent Owner. At issue
8 in the '421 case is U.S. Patent Number 7,837,100 and at issue in the '422
9 case is U.S. Patent Number 8,905,301.

10 Counsel for Petitioner, who do you have appearing with you today?

11 MR. MACEDO: This is Charlie Macedo from Amster, Rothstein &
12 Ebenstein. I'll be lead counsel. I have in the room with me Keith Barkaus
13 and Thomas Hart, who are backup counsel, but they are off camera.

14 JUDGE RAEVSKY: Thank you, Counsel. And although Patent
15 Owner emailed the Board requesting to waive its participation in the hearing
16 today, just to confirm, do we have anyone from Patent Owner joining us?

17 MR. FAHMI: Pardon me, Your Honor, this is Tarek Fahmi for the
18 Patent Owner. We confirmed our nonparticipation. However, it wasn't clear
19 to me whether the Board's order concerning mandatory attendance of
20 counsel would still apply, so I'm here in caution, I don't want to run afoul of
21 that order.

22 JUDGE RAEVSKY: We appreciate your careful compliance with the
23 order as you understood it, and I apologize for any lack of clarity from our
24 end. There is certainly no requirement for a party to participate. And so in
25 the case of requesting not to participate, the lead counsel doesn't need to be
26 here. But we're very grateful that you're here joining us today.

1 MR. FAHMI: If that's the case, Your Honor, would you mind if I
2 excuse myself from the proceeding that the client would prefer not to incur
3 the cost associated with the attendance?

4 JUDGE RAEVSKY: That's no problem with me.

5 MR. FAHMI: Thank you. I'll hang up and thank you very much.

6 JUDGE RAEVSKY: Have a good day. Okay. Before we begin, I
7 have a few housekeeping items. When you're referring to a slide today,
8 please tell us the slide number so that we can follow along. We have the
9 slides in front of us, so we'll be able to pull up whichever slide you refer to.

10 Please remember to mute yourself when you're not speaking. And at
11 the beginning of your presentation, please state your name for the benefit of
12 the court reporter. Also, please be aware that members of the public may be
13 listening to this hearing today.

14 So, Mr. Macedo, you will have 60 minutes to argue both cases, 60
15 minutes in total, and you can allocate that time among those two cases
16 however you would like. And for convenience, we'll have a single transcript
17 covering both cases.

18 I'll also note that the panel is familiar with the background and the
19 briefing, so there's no need to give us an overview of the issues. Rather, feel
20 free to jump directly into the disputed issues. So when you're ready, you
21 may begin.

22 MR. MACEDO: Your Honor, if I may, I'd like to share the
23 PowerPoint so that way we can follow along together, if that's all right.

24 JUDGE RAEVSKY: That's great. Thank you so much.

25 MR. MACEDO: And if you can confirm that you see the cover sheet
26 of Askeladden DX-1.

1 JUDGE RAEVSKY: Yes, I can see it.

2 MR. MACEDO: Great. Thank you, Your Honors.

3 And as you indicated, my name is Charles Macedo. I am lead counsel
4 with Amster, Rothstein & Ebenstein LLP. We represent the Petitioner,
5 Askeladden L.L.C. We do have in the audience one of the board members
6 of the PCC from Askeladden, Roderick McKelvie. And I have with me in
7 the room, but not on camera, my backup counsel, Keith Barkaus and
8 Thomas Hart.

9 And as you indicated, we are here to discuss two different IPRs, the
10 first one being IPR2023-00421, which I'll refer to as the '421 IPR, involving
11 U.S. Patent Number 7,837,100, which I'll refer to as the '100 patent; and
12 IPR2023-00422, which I'll refer to as the '422 IPR, involving U.S. Patent
13 Number 8,905,301. We're going to begin with the '421 patent, IPR, and the
14 '100 patent. For Your Honor's ease of reference, we have used the same
15 exhibit numbering in both IPRs. So, Exhibit 1001 in both IPRs is the '100
16 patent, and we are talking about the petition that was filed in the '421 patent.

17 There are two grounds that have been advanced. Ground 1, which is
18 for claims 1, 12, and 15 are unpatentable as anticipated by the *Gopinathan*
19 reference, which is Exhibit 1010, under 35 U.S.C. Section 102(b). These are
20 pre-AIA patents, so this is the pre-AIA 102 and 103 that we're referencing.
21 And ground 2, which is claims 1 through 17, are rendered obvious over
22 *Gopinathan* in view of *Hirka*, Exhibit 1900, under 35 U.S.C. 103(a). There
23 are only three arguments that have been advanced by the Petitioner's reply in
24 response to the Institution decision and the underlying petition.

25 The first argument focuses on the main reference, *Gopinathan*, and
26 whether it discloses the use of an account associated with the debit card as

1 opposed to a credit card. And we've identified in green on slide 3 where the
2 word debit card comes up in representative claim 1. Claim 15 and claim 1,
3 for purposes of this argument, are essentially the same.

4 The second argument is that even if *Gopinathan* does disclose a debit
5 card, they challenge whether *Gopinathan* discloses that debit cards are
6 associated with demand deposit accounts or overdraft accounts. The way
7 the claim is worded, the transaction requested by the debit card is against at
8 least one of a demand deposit account associated with the debit card or an
9 overdraft account associated with the debit card. You do not need to do
10 both. You need to just do one or the other. I do not believe that's in dispute,
11 although the prior art does teach both of those.

12 And then the final issue raised is whether the combination that's being
13 proposed of *Hirka* with *Gopinathan* would be a motivation to combine. And
14 we believe there is. With respect to the dependent claims, the Patent Owner
15 offers no independent argument on them.

16 If there's no question, I'll move on to the next point.

17 So I want to begin with the first point is that *Gopinathan* is not limited
18 to credit cards and includes other types of customer accounts, such as charge
19 cards, bank automatic teller machine cards, and telephone calling cards.

20 And this is reflected as we see on slide 4 is *Gopinathan*, Exhibit 10, column
21 1, lines 37 through 41. And there's additional reference to the use of
22 automatic teller machines in *Gopinathan*, column 3, line 56, also shown in
23 slide 4. Significantly, Mr. Zatkovich, referring to this portion of the record,
24 concluded that in his opinion, "a POSITA at the time of the invention in July
25 5, 2005, would understand that *Gopinathan* teaching would apply not merely
26 to 'credit cards,' but to 'debit cards' also, which is a kind of 'charge card'

1 which uses the same networks and payment transaction types as charge card
2 accounts."

3 The second point raised by Patent Owner is that the charge cards in
4 *Gopinathan* are reportedly not linked to demand deposit accounts. In
5 paragraph 185 of Mr. Zatkovich's declaration, he notes that, "A debit card is
6 a card linked to a customer cash account, such as a demand deposit account,
7 DDA, typically a checking account," which is what was taught in the *Hirka*
8 reference that's also a part of the prosecution history as Exhibit 1007. That's
9 the *Hirka* '404. Exhibit 1009 is the *Hirka* reference that we're relying on for
10 purposes of the obviousness combination, but the disclosures are essentially
11 identical. And Mr. Zatkovich confirms that this understanding is consistent
12 with his experience in the industry at the time of the invention and is
13 consistent with *Gopinathan*'s disclosure as one of the data sources being the
14 ATM machines, citing Exhibit 1010 in *Gopinathan* at column 3, line 56,
15 which we quoted on the previous slide, slide 4. Thus recognizing, at least in
16 some embodiments, the charge card is tied to banking accounts, like
17 checking accounts and savings accounts, and as such, at least in some
18 embodiments, *Gopinathan* authentication would go against the customer
19 DDA or checking account. And we also have put on slide 5 the excerpt
20 from *Hirka* Exhibit 9 on page 1, which corresponds to Exhibit 7, paragraph
21 4, with the quote that I read to you.

22 Next, the Patent Owner argues, taking out of context from paragraph
23 190 of the Petitioner's declaration, that the reference in *Gopinathan* to
24 having in the database available credit or balance information and/or credit
25 line information is further evidence, according to the Patent Owner, that the
26 invention doesn't relate to DDAs or overdraft associated accounts.

1 Basically, the Patent Owner is not really correct in its analysis or in its
2 reading of Mr. Zatkovich's declaration.

3 Turning to slide 7, when you look at paragraph 190, it is in the
4 context of the obviousness argument of ground 2. And it is discussing that,
5 in any event, even if you treated *Gopinathan* as only the (inaudible) applying
6 to a credit card, the teachings would still work with respect to debit cards.
7 So as Mr. Zatkovich confirms in '636, the Patent Owner's argument was
8 taken out of context and that the point was that even if you thought that the
9 *Gopinathan* did not teach debit cards, it would be obvious to modify it as
10 made there.

11 We have on slide 8 at the top the specific language of the elements of
12 database 805.

13 MR. MACEDO: We have on the top of slide 8 the excerpt from
14 *Gopinathan* that's talking about database 805 that includes the available
15 credit or balance and credit line information. And we start by talking about
16 where it talks about available balance. As Mr. Zatkovich explains in
17 paragraph 642 of Exhibit 1014, his supplemental dec, available balance as
18 used in *Gopinathan* also refers to the balance of a checking account. For
19 example, a DDA as confirmed by the Patent Owner on page 7 of its '421
20 Patent Owner response, Mr. Zatkovich confirms, "Thus, in embodiments
21 taught by *Gopinathan* where the card is a debit card, such as an ATM card,
22 as discussed above, the available balance information in database 805 shows
23 that the transaction requested by the debt card would go against the available
24 balance of the DDA."

25 We also provided as extrinsic evidence Exhibit 1015, just showing
26 that Investopedia recognized that balances in -- you know, what does

1 available balance mean? "Balances in checking or on-demand accounts
2 where there is a delay in crediting funds on an account." So at the time,
3 Investopedia recognized that available balance was a term of art that would
4 be used in the context of checking accounts, so that sort of response to the
5 usage point by the Patent Owner.

6 With respect to available credit and credit line, Mr. Zatkovich in
7 paragraph 637 of the supplemental declaration as reflected on slide 10 shows
8 that, again, the Patent Owner misses the point that this is information used as
9 overdraft accounts associated with the card that is being processed. "Thus,
10 in embodiments taught by *Gopinathan* where the card is a debit card, as
11 discussed above, in his opinion, a POSITA at the time of the invention
12 would understand that 'available credit' and 'credit line' information in
13 database 805 shows that when the transaction requested by the debit card is
14 more than otherwise available, it would go against an overdraft account."

15 As reflected on slide 11, we also show that "line of credit" is a term
16 that is used in an agreement between a financial institution, usually a bank,
17 and a customer for the maximum loan balance. And Mr. Zatkovich explains
18 how this is consistent with his understanding of how credit line information
19 would have been understood by a POSITA at the time of the invention,
20 where the line of credit and credit line are synonymous and commonly used
21 by banks and other financial institutions, not just those offering credit card
22 accounts, and how Investopedia is consistent with that.

23 So, we also know that the concept that available credit or credit line
24 information can refer to overdraft accounts is supported by *Hirka* during
25 prosecution. And during prosecution at Exhibit 1005, at page 99, the
26 Examiner in paragraph 6 from *Hirka* relied upon it to show that the '100

1 patent element 1A was met by the following passage: "Thus, some debit
2 cards offer overdraft protection in the form of a secondary line of credit. A
3 checking account accessible with a debit card, for example, may be backed
4 by a line of credit or used in the event that there are insufficient funds in the
5 checking account to cover the purchase."

6 Mr. Zatkovich explained and continued to explain in paragraph 639
7 that this passage "illustrates a typical use at the time of the invention of
8 'credit line' as applying to debit cards tied to an overdraft account to cover a
9 purchase" that, in his opinion, the "use of 'credit line' as applying to debit
10 cards tied to an overdraft account to cover a purchase is consistent with how
11 a POSITA would have understood the use of the term 'credit line' at the time
12 of the invention."

13 Turning to slide 13, the final argument advanced against ground 1 is
14 the Patent Owner argues that the updating step is not met because
15 *Gopinathan* reportedly does not update the actual account. But that isn't
16 what the claim language says. The claim language says updating
17 information "regarding" at least one of the accounts. So, all that needs to be
18 done is information regarding the accounts need to be updated, not the
19 accounts themselves. So the basis of this argument falls, also.

20 With respect to the obviousness argument, the basis of the argument
21 that we advance is that *Gopinathan*, to the extent that the Board were to find
22 that *Gopinathan* does not expressly state that it is applicable to debit cards as
23 a kind of charge card, it would nevertheless have been obvious to a POSITA
24 at the time of the invention to use the techniques and principles of fraud
25 detection processes taught by *Gopinathan* with a debit card system as taught

1 by *Hirka* and since debit cards use the same standardized transaction request
2 as the credit cards.

3 In particular, we have a picture from the petition of Figure 8 of
4 *Gopinathan*, where you can see in the pink box the transaction processing
5 system, which includes the fraud detection. And we see in 805 the current
6 transaction data which is being analyzed, and the 806, the historical data,
7 that's included in the profile which is being used to assist in the utilization.
8 *Gopinathan*, as we noted before, confirms that its techniques and principles
9 apply to other types of customer accounts, and that is leading to why it
10 would be obvious to make the combination.

11 What the proposed combination is, is saying that to replace whatever
12 the transaction data that *Gopinathan* is disclosed as using with the debit card
13 transaction data as taught in *Hirka*, and we see the same paragraph from
14 *Hirka* on page 1 of Exhibit 9 and paragraph 4 of Exhibit 1700 on slide 16.
15 And what *Hirka* explains is that one of the advantages of the invention is the
16 ability of a cardholder to set up a cash account to make choices on their
17 purchases and the funds withdrawn or more -- from one or more demand
18 deposit accounts, regardless of the institution holding the account.

19 It also says that another advantage of the invention is that, "The
20 consumer may use existing credit account, open a credit account with an
21 institution issuing the linked account card, or set up another type of account
22 to supply the overdraft protection." Thus, *Hirka* is teaching a debit card, and
23 the debit card is tied to a demand deposit account and/or a overdraft
24 protection. And that's the system which we're saying is being combined
25 with --

26 JUDGE RAEVSKY: Mr. Macedo?

1 MR. MACEDO: Yes.

2 JUDGE RAEVSKY: This is Judge Raevsky. I just have a question
3 here, because Patent Owner argues in the Patent Owner's response that the
4 teachings of *Hirka* add nothing to the teachings already present in
5 *Gopinathan* because competitive teaches a fraud detection system. So,
6 what's your response to that argument?

7 MR. MACEDO: I didn't hear the last thing you said because the --
8 because what?

9 JUDGE RAEVSKY: I'll just restate the question. So my
10 understanding from the Patent Owner response is that Patent Owner argues
11 that the teachings of *Hirka* add nothing to the teachings already present in
12 *Gopinathan* because *Gopinathan* already teaches a fraud detection system.
13 So, therefore, there would be no reason to combine these references. What's
14 your response to that argument?

15 MR. MACEDO: So, the point is that *Hirka* during prosecution was
16 recognized as teaching everything but a fraud detection system. I'm looking
17 at slide 20 right now. And what *Hirka* tells you is that its authentication
18 system can be used with any type of financial rules. And so what we're
19 saying is that *Gopinathan* provides the financial rules of fraud detection and
20 that the motivation to make this combination is reflected in the petition and
21 in the supporting decs, both in paragraph 191, which is to have the protected
22 cardholders and card issuing systems from fraud associated and protected by
23 debit cards with overdraft protection. And that -- and a POSITA would be
24 motivated to make this combination from *Gopinathan*'s perspective because
25 it would give you a new customer to go sell to.

1 Now, when you go back and look at *Gopinathan* itself, it specifically
2 teaches the desirability, right? And we're looking at slide 17 and we're
3 referring to *Gopinathan*, column 2, line 29 through 38. "It is desirable,
4 therefore, to have an automated system that uses available information
5 regarding all of cardholders, merchants, and transactions to screen
6 transactions and isolate those which are likely to be fraudulent." Since
7 *Hirka* does not teach a financial rule to do that, which is what was found in
8 the original prosecution, *Gopinathan* is teaching it would still be desirable to
9 have such a financial rule, and, therefore, the motivation to provide that
10 fraud detection makes perfect sense. And it's consistent with both the
11 teaching in *Gopinathan* as well as the motivations expressed by Mr.
12 Zatkovich.

13 Does that answer your question, Your Honor?

14 JUDGE RAEVSKY: Yes. Thank you.

15 MR. MACEDO: I also note that if you remember before, I showed
16 you the two boxes in *Gopinathan*, which included the current transaction
17 and the historical transaction information, we see that in the flowchart of
18 Figure 14, and we see that *Hirka* actually also teaches both of those types of
19 data as being present. So, it fits beautifully and it's easy to implement, as
20 Mr. Zatkovich explains.

21 Okay. We also include slide 21, a listing of the support in the
22 petition and in the supporting declarations for the dependent claims. The
23 Patent Owner hasn't made any challenge, but we do recognize it's our burden
24 to say they're invalid and this is our support.

25 Unless Your Honor has any other questions about the first IPR with
26 respect to '100 patent, I am prepared to move on to the next IPR.

1 JUDGE RAEVSKY: Please proceed.

2 MR. MACEDO: Thank you. So, now we're moving on to the
3 IPR2023-00422 referred to as the '422 IPR with respect to U.S. Patent
4 Number 8,905,301. We're looking at slide 22. And as noted before, the
5 exhibits are the same in both IPRs, and the '301 patent is included as Exhibit
6 1002 in both IPRs.

7 There are four grounds that have been advanced in the '422 IPR, as
8 reflected on slide 23 in the Petitioner's Reply, Paper number 10, page 7. The
9 Patent Owner has not brought any challenges to independent claim 16 or
10 dependent claims 17 through 20 as being invalid under the petition, and so I
11 do not plan on discussing those further unless Your Honors have specific
12 questions. We believe that those should not be in dispute.

13 The entire argument that the Patent Owner advances focuses on the
14 phrase "account information of the separate account," and focuses in
15 particular on the use of the word "of". According to the Patent Owner, the
16 use of the word "of" is specifying a possessive relationship because,
17 according to the *American Heritage Dictionary*, it is using, and they say
18 "double generative," but it's double genitive construction. The problem with
19 the Patent Owner's analysis is that the use of "of" is not using a double
20 genitive construction.

21 When you turn to the primary reference, which is a 2001 *American*
22 *Heritage Dictionary*, it emphasizes that the double genitive construction is a
23 construction in which a possessive form appears as the object of the
24 preposition "of". So, for example, a friend of my father possessive S; or a
25 book of mine, another possessive. Another one would be a photograph of
26 Bob possessive S. When you go back to the claims, it says, "account

1 information of the separate account," there is no possessive S. And we
2 highlighted on slide 26 the distinction between the claim language with the
3 "of" and no possessive S and the double genitive form, which would be
4 "account information of the separate account," apostrophe S. So the whole
5 basis of the Patent Owner's argument is based upon a misapplication of the
6 dictionary, because it isn't in a possessive form, it is in a double genitive
7 form, and, therefore, none of the analysis really applies, and that should be
8 enough of a reason to reject them.

9 But we can go further, and we note that if you do look at the actual
10 dictionary and the definitions that are set forth, definitions 7 and 8 are
11 particularly appropriate. Seven is, "associated with or adhering to people of
12 your religion, or belonging are connected to the rungs of a ladder." And as
13 Mr. Zatkovich explained, his view is that a POSITA at the time of the
14 understanding would adopt a more natural construction of the term "of" to
15 mean associated with or connected to. And that that construction is
16 consistent with the dictionary definition numbers 7 and 8 from the same
17 dictionary offered by the Patent Owner.

18 JUDGE RAEVSKY: This is Judge Raevsky again. How is belonging
19 different from possessing? It seems like the definitions in 8 and 9 are pretty
20 similar.

21 MR. MACEDO: I think it's the connected part. It could be belonging
22 or connected, so --

23 JUDGE RAEVSKY: Okay.

24 MR. MACEDO: -- connected doesn't have to necessarily be
25 possessed.

1 JUDGE RAEVSKY: And so we have a lot of definitions to pick from
2 here. Why do we pick definition 7 instead of 9? What's your rationale for
3 that?

4 MR. MACEDO: Well, we asked the POSITA what would he
5 understand or we asked our expert what do you think a POSITA would
6 understand? And he believed that would be one. I think that it's a very
7 consistent understanding. You could adopt all the constructions if you
8 wanted and -- as alternatives, and any one of them would be sufficient. But
9 the concept that "account information of the separate account" would be
10 account information which is associated with or otherwise connected to the
11 separate account is certainly a natural way that I think someone of ordinary
12 skill in the art and, frankly, someone who speaks the English language
13 would understand those terms to mean.

14 JUDGE RAEVSKY: So, am I correct in my understanding that you're
15 not relying on any intrinsic evidence, such as in the specification, claims, or
16 prosecution history to define this term?

17 MR. MACEDO: Well, the specification, I don't have the cite in front
18 of me, but I can pull it if you want. Actually in our reply brief we explain
19 this. The specification, when it's showing an example of account
20 information as a separate account, actually refers to data which is like
21 linkage data in a database and doesn't really say anything more than that,
22 which is the same type of information that *Foss* is -- that we're relying in
23 *Foss* as linkage information between the accounts. So I do think that our
24 associated with or connected to information is consistent with the only
25 support in the specification for that.

1 JUDGE RAEVSKY: So it's consistent, but would you agree there's
2 no lexicography or disclaimer in the specification they requires --

3 MR. MACEDO: I think -- absolutely not. There is no lexicography
4 in the specification. And like I said, the only support for account
5 information of separate account is something in a database which appears to
6 be a linkage information.

7 JUDGE RAEVSKY: Okay.

8 MR. MACEDO: And in fact, they don't require that that information
9 in the database be owned or possessed by the account that it's linking to.
10 And here, where we have on slide 29, the explanation of what the read is on
11 *Foss*. But I believe Your Honors understand that because you seem to have
12 understood the Institution decision. Is there any reason why you need me to
13 go further than that?

14 JUDGE RAEVSKY: I don't have any questions about that at this
15 time.

16 MR. MACEDO: The truth is, I think this is much ado about nothing.
17 Because in the end, whether you say it means possesses, associates, or
18 connected to, the linking information that is used to say how these two
19 different accounts are connected is associating with the separate account, is
20 linked to the separate account, and is possessed by the separate account
21 because otherwise the separate account wouldn't be linked and you wouldn't
22 be able to check the balance in it. I don't think we need to go that far. But
23 we do have the support from Mr. Zatkovich, who confirms that in his view,
24 that's what a POSITA would have if understood. In any event, in paragraph
25 675 of the Supplemental Declaration, Exhibit 1014, quoted on slide 30.

1 And lastly, when you include, like we did for the first IPR, on slide
2 32, a list of where you can find support in both the petition and in the
3 exhibits supporting the petition for why each of the other claims are in valid.

4 Is there anything else that I can answer, Your Honor?

5 JUDGE RAEVSKY: Looks like I was temporarily disconnected.

6 Can anyone hear me?

7 MR. MACEDO: We can now. Thank you, Your Honor.

8 JUDGE RAEVSKY: Okay, thank you. If you wouldn't mind just -- I
9 heard you refer to the slide and mention that the independent claims are
10 unpatentable. But I didn't hear what happened after that.

11 MR. MACEDO: Oh, I asked if you had any other questions with
12 respect to either of the IPRs. This was my last prep slide for the
13 presentation.

14 JUDGE RAEVSKY: Okay. I have no further questions and the panel
15 has no further questions. So, we appreciate your time.

16 MR. MACEDO: Thank you, Your Honor.

17 JUDGE RAEVSKY: With that, the hearing is adjourned, but I'd like
18 you to please stay on the line in case the court reporter has any questions.

19 MR. MACEDO: Absolutely. And thank you, Your Honor, for giving
20 us this opportunity.

21 JUDGE RAEVSKY: Take care.

22 (Whereupon, the proceedings at 3:38 p.m. were concluded.)

IPR2023-00421 (Patent 7,837,100 B2)

IPR2023-00422 (Patent 8,905,301 B2)

PETITIONER:

Charles Macedo

cmacedo@arelaw.com

Keith Barkaus

kbarkaus@arelaw.com

PATENT OWNER:

Tarek Fahmi

Tarek.fahmi@ascendalaw.com

Jonathan Tsao

Jonathan.tsao@ascendalaw.com