

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VIANTECHNOLOGY LLC,
Petitioner,

v.

INTENT IQ LLC,
Patent Owner.

IPR2024-00421 (Patent 7,861,260 B2)
IPR2024-00422 (Patent 7,861,260 B2)

Record of Oral Hearing
Held: August 28, 2025

Before NABEEL U. KHAN, SCOTT B. HOWARD, and DAVID COTTA,
Administrative Patent Judges.

IPR2024-00421 (Patent 7,861,260 B2)

IPR2024-00422 (Patent 7,861,260 B2)

APPEARANCES:

ON BEHALF OF THE PETITIONER:

DAVID HOLT, ESQUIRE
JOSHUA GRISWALD, ESQUIRE
FISH
1000 Maine Avenue SW, Suite 1000
Washington, D.C. 20024
(202) 626 7783
david.holt@fr.com

ON BEHALF OF THE PATENT OWNER:

JAMES MILKEY, ESQUIRE
Russ August & Kabat
8080 North Central Expressway, Suite 1503
Dallas, Texas 75206

The above-entitled matter came on for hearing Thursday, August 28, 2025, commencing at 9:00 a.m., at the U.S. Patent and Trademark Office, 6 Southwest Regional Office, 207 South Houston Street, Dallas, Texas 75202.

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

(9:00 a.m.)

JUDGE KHAN: Please be seated.

All right. Good morning everybody. Good morning. I'm Judge Khan. Appearing remotely today with me is Judge Howard on the screen above my right shoulder and Judge Cotta on the screen above my left shoulder. This is an oral hearing in Case Nos. IPR2024-00421 and IPR2024-0422, Viant Technology vs. Intent IQ.

Okay. Let's start with appearances. Petitioner, why don't you go ahead.

MR. HOLT: Yes, your honor. David Holt on behalf of Petitioner, and I'm joined by my colleague, Josh Griswold.

JUDGE KHAN: Mr. Holt, go ahead.

MR. HOLT: Yes, sir.

JUDGE KHAN: Thank you. And for Patent Owner?

MR. MILKEY: Good morning, Your Honor. This is James Milkey on behalf of Patent Owner.

JUDGE KHAN: Mr. Milkey, thank you so much. All right, so the procedure for today's hearing was set forth in our trial hearing order. I'm just going to go over a few basic things before we begin. Each side, it looks like, will have 60 minutes total time to make their arguments. Each side can set aside some time for rebuttal. Petitioner, you can't set aside more than half of your time since it is your burden.

I'll be keeping time on the clock. You'll see the clock appearing over my head. If you are going to set aside some time for rebuttal, just let me know. I'll stop the clock, and then we'll just alternate. Petitioner will go

1 first. Patent Owner will respond. And if there are rebuttals, then Petitioner
2 again and Patent Owner for rebuttal.

3 So the goal for today is to make sure everything runs smoothly and
4 that we end up with a clean transcript. And to that end, I would just request
5 that everybody speak clearly and slowly, and please remember to speak into
6 the microphone. I know we're all in a room and we can all hear each other,
7 but the remote judges won't be able to hear you unless you speak into the
8 microphone.

9 Please do not speak over anybody else. Please do not interrupt the
10 other side. If you have any objections, please wait your turn at the podium
11 to make those objections. Looks like we have demonstratives today for both
12 Petitioner and Patent Owner, and we have them in front of us. If you -- as
13 you run through your slides, please remember to identify the slide number.
14 And if you refer to anything from the record, please identify the paper
15 number, page number, et cetera. It just makes it a lot easier when we go
16 through the transcript as we go along.

17 And then finally, there is -- there is a public line. I don't believe
18 there's any confidential information in this case. I hope that's not going to be
19 an issue. But if you are going to refer to any confidential information, just
20 let us know and we'll temporarily mute the line and let you begin.

21 Okay. That's all I have. We can get started. Okay. Petitioner, you're
22 up first. You have 60 minutes, so I'm going to start the clock whenever you
23 are ready. And it should keep track of where you stop. So, we'll just -- just
24 take a look at the clock for your time.

25 MR. HOLT: Thank you, Your Honor. May it please the Court. I'm
26 David Holt appearing today on behalf of, Petitioner, Viant Technology, and

1 I'm joined by Josh Griswold. I'd like to reserve, say, about 30 minutes of my
2 time, Your Honor, for rebuttal.

3 JUDGE KHAN: Yeah, just, just whenever you want to stop, just let
4 me know and the, and the clock will keep track.

5 MR. HOLT: Excellent. Thank you, Your Honor.

6 We're here today to largely talk about whether it would've been
7 obvious to combine two references in this proceeding. As part of the
8 briefing, consideration of that issue, you read about business interests of
9 coffee shop owners, whether a webpage has ever been displayed on a
10 television in public, and privacy concerns for users. And while we're happy
11 to dig into that level of technical detail with Your Honors, today, at heart,
12 this case is about whether our POSITA would've found it obvious to add a
13 set-top box and its television as one type of device connected to Baig's
14 communal content distribution system. Of course it was.

15 The evidence shows that set top boxes were known to be connected to
16 such systems and had the technical capability to access Baig's content. For -
17 - from a POSITA's perspective, this was nothing more than a matter of Plug
18 and Play. But let's step back for a moment to gain some context.

19 If you look at slide four, we see a brief overview of the '260 patent.
20 The crux of the patent is the ability to associate devices based on the devices
21 obtaining online access through a common IP address and then targeting
22 advertisements in light of that association.

23 As we see in the lower right, those advertisements are quite broad.
24 We'll talk about this in more detail a bit later when we're talking about the
25 dependent claims. But as we can see here, a TV ad is just an ad suitable for
26 display on a television. Video, audio, even text is covered.

1 On slide five, we see independent claim one. There are two parts to
2 the claim. Part A is the association of a user interface device and a set-top
3 box based on a common IP address.

4 Part B is displaying an advertisement via the set-top box based on the
5 common IP address shared with the device for which user profile
6 information is derived. Yet the dispute here isn't really about whether the
7 prior art discloses these features.

8 Rather, as we see on slide six, the primary argument is whether it
9 would've been obvious to combine the Baig and Costa references. The other
10 issue raised is with respect to the 00422 proceeding and whether the prior art
11 teaches the features of dependent claims 121 and 146. And that's it.

12 There is no dispute about whether any of the other claims and prior art
13 meets those limitations; no dispute about the motivation to combine any of
14 the other prior art references; no dispute about whether there would have
15 been a reasonable expectation of success in combining those references.
16 Rather, this case largely turns on motivation to combine.

17 So, let's jump to that issue with slide eight. We see teachings from the
18 Baig reference here on slide eight. We see in the diagram at the top that
19 Baig generally describes a content distribution system in which devices gain
20 access to the content servers through public WiFi hotspots. Like in the '260
21 Patent, Baig observes that devices connected through a given hotspot will
22 share a common IP address when accessing the content servers.

23 Turning to slide nine, we see that like the '260 Patent, Baig uses this
24 common IP address to associate those devices and uses that association in
25 order to provide content and advertisements tailored to the users at the
26 hotspots. According to Baig, "Vicinity-based advertising provides the ability

1 to advertise to an audience at a particular WiFi hotspot based upon the
2 profile of the user."

3 In other words, the core functionality of the Baig reference is nearly a
4 one-to-one match to what we see described in the '260 Patent.

5 Any questions so far, Your Honors?

6 JUDGE KHAN: Not from me.

7 MR. HOLT: Okay. The functions we see here on slide nine are
8 provided by a vicinity-based community service provider or VCSP.

9 Turning to slide 10, we see that in addition to associating the users at a
10 hotspot, the VCSP provides a variety of services that are aimed at members
11 of the hotspot communities. The services provided by the VCSP are
12 described broadly. Here, we see the VCSP provides information as well as
13 interactive and non-interactive services. Baig describes the VCSP as content
14 server that also includes the ability to associate co-located devices and target
15 them with advertisements.

16 On slide 11, Baig teaches that such a system would be useful in any
17 public hotspot. Here, we see that some examples Baig notes are parks,
18 cafes, bookstores, airports, college campuses, coffee shops. And again, the
19 idea here is to help foster community through provision of content in order
20 to help advertisers target advertisements to those communities. As we see at
21 the bottom of the slide, the petition considered the combination from the
22 perspective of any public hotspot. Examples were given and discussed, but
23 the petition was not limited to those examples.

24 Turning to slide 12, we get to the crux of the issue here. Baig
25 describes mobile devices like laptops and mobile phones accessing the
26 VCSP content server at those public hotspots. And yet Costa teaches what

1 we all know intuitively, that all sorts of devices were configured to be
2 connected to all sorts of networks located in all sorts of locations.

3 In other words, Costa confirms that by the priority date of the '260
4 Patent, adding devices to networks was Plug and Play. Like Baig, Costa
5 teaches that one such network is a WiFi network; one such location is a
6 public wireless hotspot. And like claim, one of the '260 Patent one type of
7 device is a set-top box.

8 It's notable here that Costa refers to the set-top box as an example of a
9 digital media center because -- jumping to slide 14 -- digital media is exactly
10 what Baig is providing to users of the hotspot. Baig's content servers host
11 "multimedia information and data illustratively from websites."

12 We see here one of the examples Baig talks about is that the content
13 server would provide a webpage with services. Yet Baig is clear. The
14 number and type of services described are not intended to be limiting, and
15 we see that at the bottom in green. But let's take the example of a webpage
16 that provides digital media to users.

17 On slide 13, we see that the petition explained and cited to evidence
18 the Howcroft reference, demonstrating that it was well-known for set-top
19 boxes to access a webpage. So even if the services provided by Baig's
20 content server are access file webpage set-top boxes were a device known to
21 be used to access webpages.

22 Plug and Play; nothing needed to be changed about any of the devices
23 or systems in these prior art references. The combination of Baig and Costa
24 was simply the connection of another device type to Baig's hotspots, and that
25 device is set-top box was already configured and intended to access the type
26 of content provided by Baig's VCSP servers.

1 As your honor's rightly noted in your institution decision, this is
2 nothing more than the combination of a known system and a known device
3 both performing the functions they were intended to perform and the
4 combination would've yielded predictable results.

5 Yet as we see on slide 15, the petition provided even more explicit
6 motivation for such a combination. The petition explained "Baig shares
7 music, video games, and advertisements at hotspots, and a POSA would've
8 realized a set-top box would beneficially provide that content for display via
9 a television or other display."

10 As we see at top, Baig itself talks about the VCSP storing video games
11 for selection by end-users. In paragraph 108, which is not included here,
12 Baig goes on to describe, "The vicinity-based service enables users at a
13 hotspot to play video games with one another, such that users will be" --
14 excuse me -- "so that users will be able to challenge one another and use
15 virtual money or items such as a cup of coffee, et cetera, as winning prizes.

16 What is a device that without dispute was known to facilitate multiple
17 users playing video games against one another? A television. I'd hazard to
18 guess Your Honors at one point or another will have played a video game on
19 a television. Costa's set-top box provides the gateway to bring Baig's video
20 games to a television at a location where people are known to congregate,
21 public hotspots. And not too hard to think of examples.

22 Baig talks specifically about two players playing chess against one
23 another. A television would've allowed those players, as well as anyone else
24 at the hotspot interested in that competition, to view the video game together
25 and not just on their small individual devices. Heck, I have to guess Your
26 Honors have played bar trivia before, or at least seen it in action. This is

1 often a game where we see communal questions displayed and either
2 individuals or groups of individuals actually responding with their answers
3 as a group of people in a given communal public space. And that's exactly
4 what the VCSP is talking about with respect to the ability of users at these
5 public locations to play video games against each other.

6 A television would have completely facilitated that. It's possible that
7 the people could have used their individual devices, and yet a television
8 would have performed the same role and allowed those users to see the
9 display together.

10 Are there any questions about the example of providing video games,
11 Your Honors?

12 JUDGE KHAN: Not from me.

13 MR. HOLT: Okay. Before I move on, I want to note that we were not
14 able to identify any place in the Patent Owner response, it's accompanying
15 declaration, or the sur-reply where Patent Owner attempts to rebut this
16 explicit example of Baig. I invite Your Honors to ask my colleague whether
17 Patent Owner provided any rebuttal of this example, an example that was
18 specifically identified as motivation for the combination.

19 Alright. The other issue that was raised is whether the prior art
20 teaches dependent Claims 121 and 146, which are shown on slide 17. Claim
21 121 recites the method of Claim 34, wherein the revenue amount is received
22 from an advertiser that has contracted to display a TV ad to persons who
23 have characteristics contained in the user profile information. Claim 146 is
24 quite similar. The focus of the arguments is on the phrase "contracted to
25 display a TV ad." What does that mean?

1 If we turn to slide 18, we need look no further than the '260 Patent
2 itself. As we see at the top. A TV ad is defined as "any form of
3 advertisement suitable for delivery to and visual or audible presentation by a
4 television set."

5 The examples couldn't be more broad; full screen video, partial screen
6 video, banner ad, text, ad, audio ad. Plugging that back into the claims, an
7 advertiser is contracting to display any form of advertisement suitable for
8 presentation on a TV. Nothing in the Patent's explicit definition of the term
9 "TV ad," nor in the claim language itself requires that the TV ad actually be
10 displayed on a TV. The ad need only be suitable for that purpose.

11 There could be no question that the advertisements contemplated by
12 Baig meet this definition. Baig describes advertisements for display on
13 mobile devices with screens for displaying multimedia. If it was suitable for
14 display on the screen of a laptop, for example, it would've been suitable for
15 display on a television. Yet, even if the claims were read more narrowly
16 than the specifications say they should be, and we're required that the TV ad
17 actually be displayed on a TV, the combination meets that requirement as
18 well.

19 Both Baig and Costa describe collection of information about the
20 devices themselves. For example, if you go to page 28 of the 00422 petition,
21 it says, "An advertiser would wish to direct a hotspot targeted advertisement
22 to devices which would reach the widest possible audience at the hotspot,
23 such as Costa set-top box with an associated television display."

24 In support of this statement, the petition cites to paragraph seven of
25 Costa which teaches that when a device connects to the network, it "conveys
26 its capabilities and learns about the presence and capabilities of other

1 devices." In other words, the system stores information about the types of
2 devices connected to it, and this is consistent with Baig.

3 In figure 18, Baig shows that the VCSP collects information about the
4 types of devices that are connected to the VCSP at a given hotspot. This
5 information can then be used by an advertiser when determining which
6 hotspots it wants to target its advertisements to.

7 If one of those devices were a set-top box, Baig's system would
8 collect that information, provide it to advertisers, and those advertisers
9 would then know which hotspots have set-top boxes. When bidding and
10 winning the right to advertise at a hotspot with a set-top box, the advertiser
11 would necessarily be contracting to display the advertisement on a
12 television.

13 Any questions about this, Your Honors?

14 Alright. Well, those are the issues that we came to discuss today.

15 JUDGE HOWARD: Yeah. Sorry. This is -- this is Judge Howard. Is
16 -- and try to look at the dispute with regard to Claims 121 and 146.

17 Is the issue between the parties that you look at or the petition is set
18 forth broadly, sort of there's a contract to provide ads and it's going to a
19 television set and therefore it's a contract to provide television
20 advertisements while Patent Owner's argument is more you have to
21 specifically enter into a contract that won't send specific television
22 advertisements? Am I understanding that correctly?

23 MR. HOLT: For the most part, Your Honor, yes. I would slightly
24 amend the forward portion about petitioner's position. And that is that when
25 the claims have the word "TV ad" in them, you go into the specification and
26 it has an explicit definition for that. And we see that on, for instance, slide

1 18. And what it says about a television advertisement is it's any form an
2 advertisement simply suitable for delivery to and presentation by a television
3 set.

4 So, this definition isn't even saying that the advertisement's being
5 displayed by a TV, just that it's suitable to be displayed by TV. But again, as
6 we showed in the petition and in the petitioner's reply, those advertisements
7 when targeted at a hotspot that has a set-top box would, in fact, then
8 ultimately be displayed on that TV with the set-top box at that hotspot that's
9 been targeted for the advertisement.

10 And ultimately, if you actually look into Baig, there's an example that
11 was cited in the petition about trying to bid to display an advertisement on a
12 billboard in Times Square. So, frankly, even beyond targeting a hotspot that
13 has multiple devices, there's an example in Baig itself about targeting a
14 specific screen and displaying advertisements on that screen.

15 JUDGE HOWARD: Thank you.

16 MR. HOLT: Any other questions, Your Honor. Okay. All right.
17 Thank you.

18 JUDGE KHAN: Thank you.

19 MR. MILKEY: Just waiting for it to show. I'm ready to proceed,
20 Your Honors.

21 JUDGE KHAN: Okay.

22 MR. MILKEY: So, thank you, Your Honors, and may it please the
23 Board. So my -- my colleague mentioned that the theory that the petition --
24 the Petitioner has presented is simply a combination of Baig and Costa and
25 simply adding a set-top box to a public hotspot, and if you add a set-top box

1 to a public hotspot, they've satisfied their burden. They described the issue
2 as Plug and Play.

3 I would respectfully submit that Plug and Play combining a set-top
4 box with a public hotspot in the context of Baig is insufficient -- wholly
5 insufficient to meet the claim requirements, which require directing an
6 advertisement to the set-top box. Specifically, Petitioner has to show the
7 obviousness of directing a public television at some public establishment to
8 Baig's social media website. Baig itself likens its -- it likens its website to
9 Facebook. And we can go through examples of the types of content that
10 Baig discloses, but all of the content is community-based services.

11 It's all a social media. It's -- it is all a social media website that allow
12 creates a community of people at a given location, and they need to establish
13 the obviousness of directing a set-top box at a public establishment to Baig's
14 website in particular. We'll -- we'll get into more detail, but they -- they've
15 fully failed to do that. They mentioned the --

16 JUDGE HOWARD: This is Judge Howard. So if -- if I understand
17 your arguments correctly, and let me know if I'm -- I'm not correct.

18 Your argument is not that there would be technical problems in trying
19 to combine Baig and Costa in the way that Petitioner does in the Petition;
20 your argument is that a person of ordinary skill in the art wouldn't do so
21 because the users of the sites at a public location wouldn't want the features?

22 MR. MILKEY: So, it is -- it's a little bit more broad than they
23 wouldn't want the features. I think it's -- but yes, we're not arguing sort of
24 technical incompatibility in the same way that -- for example, you know, we
25 -- we traveled out to Dallas for this and -- you know, it wouldn't be obvious,
26 for example, to display Baig's website on the, the Dallas Cowboys

1 jumbotron either it, it might be technically possible to do that, but that's not
2 something that would be an obvious thing to do because it just wouldn't
3 make sense in that context.

4 Petitioner's expert was unable to identify any instances of any public
5 hotspot in any period of time having displayed any website, much less a
6 website that had the features that -- that Baig has.

7 JUDGE HOWARD: Is there a requirement that that has to be done in
8 Federal Circuit law? I mean, I've looked at your cases that you cited, and
9 they don't quite say what you're saying they say.

10 MR. MILKEY: There has -- yes, Your Honor. There has -- there has
11 to be -- there has to be a motivation to arrive at something that would
12 practice.

13 JUDGE HOWARD: I -- I understand that there has to be a reason to
14 combine the references, but you're -- you're looking at, there's no evidence
15 that was actually done. Is there actually case law that says that?

16 MR. MILKEY: So I -- I want to break that into two parts, Your
17 Honor. First, a combination of Baig and Costa standing alone does not
18 satisfy the claim requirements. I -- I -- the -- the other side has -- has alleged
19 that that was satisfied, but that is not correct. Adding -- simply adding a set-
20 top box to -- let -- let's use the -- let's use an example of a Starbucks. If there
21 is a Starbucks that has a public WiFi hotspot and the Starbucks adds a TV,
22 and they show the morning news on that TV, or they show stock updates on
23 that TV, that would indisputably not meet the claim requirements because
24 none of the advertisements that Baig discloses would be displayed on that
25 TV. So the -- the -- this is not simply a combination of Baig and Costa.

1 JUDGE HOWARD: Where is that in the Patent Owner's response? I
2 -- I looked through -- I -- I see a lot of arguments about reason to combine. I
3 don't see anywhere that the combination that Petitioner has done, if it was
4 done by the person -- having ordinary skill in the art wouldn't result in an
5 obvious -- or wouldn't result in the claim?

6 MR. MILKEY: So, this is -- this is an entire section of Patent Owner's
7 response, which is that their combination requires two assumptions. It
8 requires -- and this is starting at -- at page five of Patent Owner's response.

9 JUDGE HOWARD: But again, those are -- those are all going to the
10 reason to combine. You're arguing a person wouldn't combine it in this way;
11 and therefore, it's not going to -- you know, the combination doesn't reach
12 the -- the claim. I -- my question is -- I guess what I really want to just have
13 clearly is: If there was a reason to combine, if we -- if we agreed with -- let
14 me strike that and start over.

15 If we agreed with Petitioner's reason to combine, you haven't
16 contended anywhere that it doesn't teach the claim? Is that correct?

17 MR. MILKEY: I -- I disagree with that. I think that combining --
18 there are a million ways to combine Baig and Costa. That you -- you can --
19 you can combine.

20 JUDGE HOWARD: I understand that, but if we combine them in the
21 way that Petitioner argues that they should be combined in the Petition, you
22 haven't argued anywhere that there's a limitation that would be missing. Is
23 that correct?

24 MR. MILKEY: I -- Your Honor, I -- I don't think that -- I don't think
25 that Petitioner's combination can be fairly characterized as simply a
26 combination of Baig and Costa without additional elements that are not

1 disclosed by either Baig and Costa. I do not think that their combination
2 standing alone gets them there.

3 They need to look to things outside of Baig and Costa, such as
4 directing a set-top box to a particular website, which is disclosed nowhere in
5 either Baig or Costa. So, I -- I don't agree. I think that this is subsumed by
6 our -- our argument that they assume that their combination -- that -- that in
7 their combination there would be someone visiting Baig's VCSP website, but
8 that is not anywhere in Baig or Costa. So that is not --

9 JUDGE HOWARD: I don't see that in your Patent Owner response. I
10 mean, I'm looking at your -- your section three where you have these two
11 points that you say that are missing, and it is titled the Petition's Ground A
12 and B fail because Petition fails to motivate its proposed modification of
13 Baig.

14 I -- you know, I completely agree. You've raised many arguments
15 about why someone would not want to combine Baig and Costa in the way
16 that Petitioner argues. That's -- that's clearly set forth and you have lots of
17 them. But my issue is that if we do combine them in the way that Petitioner
18 says, is there anywhere in your Response where you said, even with that
19 combination, even if done in the way that Petitioner says you would
20 combine them, it doesn't teach a limitation?

21 MR. MILKEY: Okay. So I -- I -- I do think that if you com- -- if you
22 configure a set-top box to do the things the Petitioner says you would
23 configure the set-top box to do, which is not found in either Baig or Costa,
24 we don't dispute that the independent claims would be satisfied. We do
25 dispute the dependent claims, but again, I don't think that that's fairly part of
26 just a simple combination of Baig and Costa.

1 I think that they need to go outside of Baig and Costa and look to
2 additional modifications to get them there because -- and this is from page
3 five in our Patent Owner Response. The second assumption that they need
4 to show is that after the set-top box is configured at the public WiFi hotspot,
5 the set-top box would be used to visit Baig's VCSP website using the coffee
6 shops hotspot.

7 We don't believe that a combination of Baig and Costa itself discloses
8 that. We think that you need to. Look to outside evidence that someone
9 would actually use a set-top box to navigate to Baig's social media website.

10 JUDGE HOWARD: Okay. Thank you. I understand what you're
11 saying.

12 MR. MILKEY: So, I think it's helpful to start within -- Let's see. So,
13 at a high level, you know, Baig discloses a social media website. The
14 petitioner actually isn't alleging any real modifications to the social media
15 website. They're alleging things outside of that social media website being
16 modified.

17 This is not something that be the Baig website has control over. This
18 is something that would have to be implemented at the coffee shop level, for
19 example. And, then there would be some unspecified entity that they -- they
20 still haven't really said who would be controlling the set-top box to go to
21 Baig's social media website. But -- so, you know, there would be basically
22 two modifications to the, the structure of how, how the, the hotspot would
23 operate.

24 First, there would be the addition of a set-top box, and second the set-
25 top box would be used to navigate to Baig social media website. You know,
26 I -- I heard counsel not really address any motivations to go to the social

1 media website of Baig other than video games. If you actually look at their
2 briefing, they simply mention in passing video games as one example of the
3 content described, and don't specifically reference or call out that this would
4 provide any special motivation to use this in any way.

5 You know, they contend that we don't address the, the video games
6 motivation. It's because it's not really something -- it -- it -- other than
7 simply regurgitating the Baig discloses that its website has video games on
8 it, they don't meaningfully address video games. Their -- their expert never
9 addressed video games as a specific motivation to navigate to Baig's
10 website.

11 And again, we -- we believe that the, the fact that their expert was
12 unable to identify any examples of any website, including video game
13 websites, being used at a public hotspot. I think is -- is very, very telling
14 regarding the lack of obviousness of their proposed combination.

15 So, Baig has a social media website. This is going to Patent Owner's
16 Demonstratives Exhibit 2006, starting at slide five. You can see there's a
17 typical login screen. There's a -- a generic service provider, server that
18 provides the social media website, and then there are several features of the
19 auction of the website, including auction file sharing blog location form, lost
20 and found and search. Petitioner has simply alleged that this whole website
21 would be obvious to navigate to.

22 And, you know, one common thread of these features of this social
23 media website is that these are not things that you come across when you see
24 TVs at public hotspots. There's no indication that anyone would do this or
25 want to do this, other than sort of, you know cursory economic analysis from
26 their own expert that this would be a desirable thing to display at a WiFi

1 hotspot, but their expert is not qualified to you know, discuss the economics
2 of how to run a coffee shop or any other public establishment that would be
3 displaying these TV features.

4 And the only objective evidence whether you know, individuals in the
5 field actually would've wanted to do this, shows that no, they, they didn't
6 want to do this because no analogous website has ever been visited, at least
7 there's no evidence of such.

8 JUDGE HOWARD: Can -- I can just make this point about
9 Petitioner's expert not being qualified to talk about the economics of running
10 a -- a coffee shop. Is your expert witness qualified to give such testimony?

11 MR. MILKEY: I -- I frankly don't think that the economics of
12 running a coffee shop is something that either expert is uniquely qualified to
13 testify on. I think that that weighs heavily against -- you know, we -- we
14 submitted our expert declaration kind of on the same level that -- that they
15 did, which is they're talking about these economic reasons to provide the --
16 the -- this type of content in public locations.

17 Their expert, in his deposition, admitted that, well, you know, he's not
18 really qualified to offer opinions on as to the economics of running a coffee
19 shop or any other food service business, but that he said in one aspect of his
20 deposition -- deposition, well, anyone would agree that this would be a -- a
21 good thing to do. You know, we have our own expert who has run
22 businesses, you know, testifying that well, that -- that's not quite right. I, I
23 disagree with that.

24 But, you know, regarding unique qualifications on that, I don't think
25 that either expert is sort of uniquely qualified to offer opinions regarding
26 economic motivations. And that, frankly is all that the Petitioner has

1 because there are no sort of technical advantages to specifically navigating
2 the set-top box to Baig's website in particular as opposed to, you know,
3 displaying, for example, a PowerPoint slide showing bar trivia that they're
4 newly talking about; something that -- that isn't mentioned in Baig or -- or
5 any of the papers but that was discussed just now.

6 That -- you know, at the end of the day, all -- all they have is that this
7 would've been sort of a -- an obvious or common sense thing to do to
8 navigate this public television to a social media website. And I would
9 submit that that's not a common sense solution as shown by the fact that
10 there's no evidence of anyone ever having done that.

11 Petitioner also said that there's no dispute that Baig discloses TV ads.
12 They're proposing a construction for the first time at the oral argument. You
13 can see in their petition that they propose no terms for construction even in
14 the -- their reply, they didn't propose any terms for construction. They never
15 proposed the TV ads should be construed in the way that they're arguing
16 now. And consistently -- I'm going to jump ahead to the -- the end here.

17 But consistently, their theory has been -- and this is slide 50 of our
18 demonstratives -- that television advertisements result not from the
19 suitability of a TV ad -- sorry, not from the suitability of an ad for a set-top
20 box, but for result from an ad actually being displayed by a set-top box. That
21 has been their consistent theory. This is a quote from the petition at 27.

22 "By providing Baig's advertisements to a set-top box for presentation
23 on television, such advertisements constitute television advertisements as
24 defined by the '260 Patent."

25 Again, no construction of this; just saying that it's by providing the
26 ads, they constitute television advertisements, not by their suitability. And

1 then in the reply, page 17, they state "Because Baig's website and its
2 advertisements would be provided to Costa's STB for presentation on
3 television, these advertisements are TV ads."

4 Again, very clear that it's because they're provided on the set-top box,
5 not that they're suitable for display on a set-top box. Regardless of what the
6 '260 Patent says about --

7 JUDGE HOWARD: So this is -- this is Judge Howard. So -- so on
8 that -- this point with, I -- I guess the way that you described Petitioner's
9 theory in their -- or claim construction in the Petition and the Reply, do you
10 agree that that applicant that it is a correct construction, that an
11 advertisement that plays on a television set is a television advertisement as
12 used in the '260 Patent?

13 MR. MILKEY: We haven't proposed a construction. We didn't realize
14 that there was a construction dispute at issue, and we didn't realize that there
15 was any construction being proposed other than, I guess, until just now. But
16 what we did understand is that their theory was that by providing the
17 advertisements -- certainly we didn't dispute that by providing the
18 advertisements to a set-top box -- those are TV advertisements, okay --
19 regarding whether the term could rightly be more broadly construed. That's
20 not something that we've had an opportunity to submit any briefing on.

21 JUDGE HOWARD: Okay. And so -- so I guess just -- is this -- I go
22 back. So, looking at your slide 50, the -- the section there of -- is that the
23 Petition --

24 MR. MILKEY: The current slide I'm looking at is 51, and this is the
25 Reply.

1 JUDGE HOWARD: Okay. If you go back to slide 50, there's a -- at
2 the end of the highlighted language you have, there's a citation and one of
3 the citations is to the '260 Patent at column six, lines 37 through 40, and
4 that's where there's a definition of television advertisement in the 260 Patent.

5 Have you -- do you agree or disagree that whatever is there is the
6 correct definition of television advertisement?

7 MR. MILKEY: I don't think in the way the Petitioner has
8 characterized it at this hearing that that's correct. Certainly they -- they've
9 basically implied that any text or web ad is a television advertisement. That
10 renders television advertisement sort of meaningless relative to any other
11 type of advertisement.

12 Again, we haven't had an opportunity to fully explore this on the
13 record. We have -- I did attempt to confirm their understanding through the
14 deposition testimony of their expert. And he said that a television
15 advertisement is an advertisement displayed on a television set and in the
16 context of this proceeding. He agreed with that. And when I asked him if
17 you can have a television advertisement without a television display, he
18 reiterated his understanding that a television ad is an advertisement that's
19 actually displayed on a television set. Again, this is our slide 52 quoting
20 exhibit 2005 at pages 20 through 21.

21 JUDGE HOWARD: Okay. And again, I'm sorry. Just so I'm clear, do
22 you agree or disagree that an advertisement that's actually displayed on a
23 television set would be a television ad as used in the claims that the '260
24 Patent?

25 MR. MILKEY: Yes, we, we agree that a television -- yes, that an ad
26 that is actually displayed, which was consistently their theory and the theory

1 of their expert, would meet the television ad requirement. What we have not
2 had a chance to weigh in on because it's an improper new argument
3 presented for the first time today is that, you know, that that term should be
4 construed more broadly to include any ad that could potentially be displayed
5 on a television set.

6 You know, this is quite prejudicial for them to raise this new argument
7 for the first time at the oral argument. You know, one can only imagine why
8 they may not have raised this issue sooner. But, for example, you know,
9 petitioners should not be allowed to lay behind the law and, you know, leave
10 open the possibility of a -- of a narrow construction for purposes of a district
11 court proceeding while, you know, waiting until the last possible moment to
12 raise a broad construction for purposes of a PTO proceeding. And that's
13 contrary to the Board's regulations and Federal Circuit precedent.

14 Their new theory that Baig itself discloses television ads is also
15 directly inconsistent with the testimony of their expert, who said that he
16 didn't render any opinions in isolation regarding whether Baig in isolation
17 discloses television ads. This is our slide 53, quoting Exhibit 2005 at pages
18 21 through 22.

19 Obviously, if any web or text ad or audio ad, you know, if -- if any of
20 those ads constitute TV ads as the -- as petitioner is now contending an oral
21 argument, this would've been an easy answer for Mr. Lett. He would've
22 said, well, of course, Baig, discloses television ads. You know, that there's --
23 this is something that -- that Baig discloses in isolation because simply be by
24 virtue of it disclosing web ads.

25 And, you know, we'll get to the dependent claim issue in a moment,
26 but this is all relevant to the dependent claim issue because of the -- the

1 contract does not even contemplate dis- -- display of an ad to a television set
2 as the petition's theory originally suggested.

3 So I -- we -- we do think that petitioner has failed to show the
4 obviousness of moving, you know, of modifying a public hotspot to include
5 a set-top box in the way that they've proposed where there would be, you
6 know --

7 JUDGE HOWARD: I'm sorry, could we go back to claim 121 and
8 146 --

9 MR. MILKEY: Yes, Your Honor.

10 JUDGE HOWARD: -- issue for a second.

11 Is it your belief that -- or I'm sorry. Strike that.

12 Is it your understanding of those claims that the contract would need
13 to be specifically for a television advertisement, or would it be acceptable if
14 the contract is just for providing ads in general and those ads are shown on a
15 television set.

16 MR. MILKEY: I believe that they have to -- it has to be specific, not -
17 - not that the whole contract has to be directed to a television advertisement,
18 but the contract has to contemplate television advertisements being shown.
19 For example, if the -- the contract simply involved web ads and -- and didn't,
20 you know, say that we're going to disclose types of advertisements that
21 would typically be shown more exclusively on set-top box, such as video
22 ads, you know, that's, that's not something that would -- that would be -- that
23 -- that would be fall within this. And there is no allegation that the contract
24 would be specifically related to any TV ads as the petition's theory originally
25 included.

26 JUDGE HOWARD: Okay. Thank you.

1 MR. MILKEY: And just one more point on that. The reason that we
2 do think. I -- there are a couple of reasons that I think that this is sort of
3 required by the structure of the claims. There are other claims that
4 specifically talk about re- -- you know, receiving revenue from display of the
5 ads. Obviously, there has to be a contract in order for there to be, like,
6 reception of revenue as a result of something. That doesn't just happen
7 without some sort of a contract, either implicit or explicit.

8 So unless -- unless -- unless the claim -- unless these dependent
9 claims, 121 and 146, specifically require the contract to be related
10 specifically to an ad dis- -- displayed on a set-top box, this -- this wouldn't
11 really make sense as a distinction over claims that simply require that
12 revenue be directed.

13 And I think just the plain language of the claim, you know, a contract
14 for display on a set-top box. Again, going to the Jumbotron analogy, If --
15 you, you wouldn't say that an advertiser had a contract to display something
16 on the Dallas Cowboys jumbotron if -- if you had a contract to display an
17 advertisement and then somebody hacked the Dallas Cowboys' jumbotron,
18 and that advertisement just happened to be displayed on the Dallas
19 Cowboys' jumbotron. Obviously, an ad to display some -- a contract to
20 display something on the Dallas Cowboys' jumbotron would likely be
21 substantially more expensive than just a generic contract for an ad to be
22 displayed on, you know, a user's laptop or something like that.

23 So we -- we do think that they've failed to show the obviousness of
24 adding a set-top box to a public hotspot in the way that they've described in
25 the petition, which was exclusively discussing a coffee shop. I know that

1 they said that there are other examples, but their -- their actual motivation
2 and analysis in the petition didn't relate to any of those other examples.

3 You know, I -- I think that that is something that you can see that --
4 you know, their expert did not identify any examples of any coffee shops
5 including a -- even a set-top box. So, I think that that's evidence that that
6 wouldn't be obvious. Again, these go to economic considerations, not sort of
7 technical aspects. They're talking about what would've been obvious
8 economically to do and their expert not -- despite not being particularly
9 qualified to testify about the economics of that, wasn't able to identify any
10 examples. So, we think that that weighs against the obviousness.

11 But the -- the issue that I really want to focus on is the -- the aspect of
12 their proposed modification, which again, is not really -- it -- well, it is not
13 disclosed in either Baig or Costa that you would use the set-top box to
14 navigate specifically to Baig's social media site. And again, they need to
15 show that this would happen because otherwise there would be no ads
16 displayed on the set-top box that they're proposing.

17 In the Petition, their only theory as to why this would happen is that
18 the content would be "beneficially provided." They don't explain what the
19 benefits would be. They don't explain why this would -- you know, why the
20 proprietor of any public hotspot would find a benefit from that. They don't
21 specify what the benefit would be. They don't go into detail on any real
22 benefits. They just conclusory allege that there would be a beneficial result
23 of this by displaying certain content.

24 Obviously, displaying generally any content on a public hotspot is not
25 beneficial. There are, you know, certain obscene websites. There are certain
26 websites that have privacy concerns such as Baig's website that, you know, I

1 -- I do think that this is something that would be very problematic in this
2 context. And I think that the lack of specificity regarding how this -- this
3 proposed modification that they're alleging would work is strong evidence of
4 the lack of -- of obviousness.

5 If we jump to slide -- if we jump to slide 44 of Patent Owner's
6 demonstratives, this is a quote from our sur-reply that the petitioner failed to
7 present any theory regarding how the TV set would be controlled. You can
8 look at their papers, and they never actually specify who would be
9 controlling the TV set. I submit that no matter who controls it, it doesn't
10 quite make sense.

11 If a user is controlling the TV set and allowed to just navigate the
12 internet, they could go to any number of inappropriate sites. They could be
13 leaving negative reviews of the establishment that they're visiting. These are
14 things that the propriety of the -- proprietor of the establishment would not
15 want to risk happening and would not hand over control to a user to use the
16 internet on a public-facing television set at that establishment.

17 And again, there's no evidence of anyone ever having done this, the
18 proprietor itself navigating to Baig's VCSP website. Again, neither of these
19 are theories that they've actually stood behind and alleged, but that also
20 doesn't quite make sense because I just -- I don't understand -- and this is -- I
21 -- I've thought about this and I -- I really don't know. In part because they
22 haven't addressed it, but in part because it -- it doesn't make sense to me that
23 a, for example, a coffee shop would go to a social media website and just
24 leave that page on or be using it themselves. That seems like a very odd
25 choice to use a TV set for.

1 If you're going to use a TV set, not necessarily the only thing you
2 would use it for, but certainly the, the most common thing you would use it
3 for is to display some television program. For example, their expert goes
4 into examples of sports games or the morning news. I think that, you know,
5 if you assume that a television set would be used at a public establishment,
6 those are certainly the most logical choices.

7 If you think about sports bars, another example that they sort of focus
8 on in their Reply, not something that they really addressed in the petition,
9 but something they focus on in their reply. At a sports bar, you're going to
10 be showing sports games on the -- the television sets. You're not going to be
11 navigating to a social media website that has you know, auction content, file-
12 sharing content, things like that. That's frankly useless to people who are
13 visiting the establishment and there's no articulated benefit of any of that.

14 Again, in the oral argument, Petitioner is now focusing on video
15 games, but again, there's just no evidence of anyone having done this, and
16 that certainly wasn't a focus of any of the briefing as opposed to any of this
17 other type of content that they did focus on, like file sharing and things like
18 that.

19 So, we -- we don't believe that -- that this would be obvious for either
20 a user or the proprietor to navigate the public WiFi hotspot TV to Baig's
21 website. And our expert, again, we -- we don't believe that either expert is
22 necessarily qualified to talk about sort of economic considerations in this
23 case, but certainly if their expert is, then our expert is our expert has actual
24 experience at, you know, founder level positions of companies, our expert
25 testified that Baig provides numerous examples of services that are
26 providing by its website, none of which would've been obvious for a coffee

1 shop to display on a television in a public location because use of such
2 services would require that someone be controlling the use of websites, the
3 exclusion of others.

4 Again, nothing in either the Petition or the Reply addresses how the
5 proprietor of the public hotspot would determine who gets the right to
6 exclude everyone else from using the -- the website while -- while they're
7 using it. Again, Petitioner doesn't really focus on the advertising motivation
8 in oral argument. I think because it doesn't make sense that, one, the
9 advertiser doesn't have the ability to determine whether Baig's website is
10 direct -- sorry -- whether Baig's website is shown on any television at any
11 public hotspot, unless that a advertiser is the proprietor of the website.

12 But if, for example, Starbucks is the proprietor of the coffee shop in
13 this example and is the advertiser, tuning the TV to Baig's website would be
14 problematic for Starbucks because multiple advertisers bid against each
15 other. So, Starbucks isn't going to want to navigate to Baig's website just for
16 the purpose of advertising. Because, one, it needs to pay for the ads. That's
17 undisputed. And, two, it would have competition from other coffee shops
18 potentially.

19 So, you know, there's a Starbucks that's trying to advertise, I guess, to
20 its own customers. Using the Baig's website, there's going to be a small
21 portion of Baig's website that would have the Starbucks ad on it. But the
22 problem with that is in addition to the problems of cost and the problem that
23 the ad would be relatively on small, is that there's going to be competing ads
24 shown from, for example, the neighboring "coffee bean." And Starbucks has
25 no -- no way to prevent that from happening.

1 We asked Petitioner's expert, you know, what would give me
2 confidence as a POSITA that if I were to install a TV in my coffee shop and
3 navigate it to Baig's website that other coffee shops wouldn't be able to
4 display advertisements to my customers? And Petitioner's expert offered no
5 opinion on that. He couldn't give an answer as to what would prevent
6 competing establishments from advertising to those same customers. So the
7 -- the advertising theory that they didn't really focus on in oral argument
8 doesn't make sense.

9 Again, the only thing they really focused on in oral argument is a
10 motivation that they didn't pursue in any meaningful way during the
11 briefing, which is video games and bar trivia, but, again, these -- whether it
12 would make sense for a proprietor of a public establishment to display to
13 tune to Baig's website specifically to have a video game displayed on that
14 website is, one, not something substantively discussed in any of the briefing,
15 but two, it is an economic rationale, not some sort of technical rationale that
16 their expert isn't qualified to offer opinions on. And, three, it's something
17 that the objective evidence of what people have actually shown to do in the
18 real world betrays. There -- there are no -- there is no evidence of any public
19 TV connected to a public WiFi hotspot that was used to do any of this stuff
20 using a website like Baig's.

21 One thing that, you know, setting aside that Petitioner's expert is not
22 an expert in the economics of how proprietors of public hotspots would use
23 their website, he is an expert in how set-top boxes are used. He has personal
24 experience with set-top boxes.

25 This is slide 38. He is familiar with how set-top boxes are used in
26 public establishments, and he is not aware of any public establishment has

1 ever included a TV that used that TV to display a social media website. And
2 the same is true for an auction website.

3 This is slide 40. And the same is true for using a TV display any
4 website. This is slide 41. He says he believes they were, but he doesn't have
5 any evidence of this. And this is -- this is his deposition that was taken after
6 his reply after we specifically argued that it wouldn't be obvious to navigate
7 to Baig's website using a public hot hotspot TV. He still was unable to come
8 up with any evidence in any publication or even his personal experience as
9 someone who is familiar with how set-top boxes are used at public
10 establishments, where a public TV at a public WiFi hotspot was used to
11 display any website.

12 So, regardless of whether Petitioner wants to focus on the file sharing
13 aspects, the video game aspects, the auction aspects, whatever aspects, the
14 real-world objective evidence, cutting aside all of the, he-said-she-said from
15 the experts on economic considerations -- again, there's not a technical
16 advantage. There's not some sort of efficiency gain to displaying Baig's
17 website on Starbucks' television if a television were added to a Starbucks.

18 Cutting aside all of the back and forth and, you know, credibility
19 issues regarding the experts, the objective evidence from someone who has
20 experience and has knowledge regarding how public establishments actually
21 use set-top boxes shows that there is no evidence that this would've been
22 obvious. Because if it would've been obvious, certainly in the intervening
23 years since the 2004 and 2007 priority dates of both prior art references,
24 there would've been some evidence of someone doing this. And this is --
25 this is, you know, the Orexo case that we cite in our sur-reply at 16.

1 JUDGE KHAN: Can I just interrupt you there for a second? You --
2 you've been arguing all along that, you know, the fact that this hasn't been
3 done before is an indication that it's not obvious. Can you tie that to some
4 secondary consideration factor or something? Is that at all tied to any
5 secondary consideration?

6 MR. MILKEY: I wouldn't -- I would hesitate to tie it to a secondary
7 consideration factor because what they're proposing isn't actually what the
8 inventor had in mind when they invented the '260 Patent. I -- we discuss it
9 in our Sur-reply. I don't have the exact citation, but we do discuss how the
10 inventor was focused on household hotspots and using profile targeting at a
11 specific, like, household. Because, frankly, it doesn't quite make sense to,
12 you know, have the -- the public hotspots and have the -- the TVs of public
13 hotspots be displaying web ads like this.

14 So the inventor was focused on household usage and so what they're
15 proposing is so far afield from what the inventor actually had in mind that I
16 would hesitate to tie that to secondary considerations.

17 JUDGE KHAN: And just to clarify, you have not done that in your
18 arguments?

19 MR. MILKEY: I don't -- I don't think that we've tied it to secondary
20 considerations for the reason that I mentioned. I do think that the Orexo
21 case is on point in the sense that -- that this is certainly a factor as to whether
22 if -- if the sort of alleged constituent elements were known in the art for a
23 very long time and there's no evidence of anyone having used them in the
24 way that that is alleged, that certainly is strong objective evidence of non-
25 obviousness, not in sort of the -- the traditional secondary considerations
26 factors, but it is objective in the sense that it is real-world.

1 It is not something that is based off of the -- you know, just the
2 opinions of an expert regarding alleged economic benefits with hindsight. It
3 is something that is tied to the real world.

4 JUDGE HOWARD: This is Judge Howard. Orexo is pretty different
5 factually from this case. That was a case which it used using citric acid
6 particles as a carrier. And their expert said, well, that's never been used in
7 the prior art before, but it would've been obvious to do so.

8 In this case, you have -- all the elements are in the prior art. They're
9 just combining the two patents together in a way they think is obvious. It
10 just doesn't strike me that these are similar cases. That one is with
11 something's just completely missing. And this is just, you know, what would
12 happen if you would combine?

13 MR. MILKEY: Again, we, we disagree that so I -- your point taken,
14 Your Honor, regarding the, the distinction between Orexo. We -- we do
15 understand that Orexo -- so, obviously involved different technology. These
16 were about technical advantages, whereas the -- the Petition is mostly
17 focused on these sort of more ambiguous economic considerations.

18 But we -- we disagree that all of these the constituent elements were
19 found because again, what the petition's modification requires is something
20 not found in either Baig or Costa, which is navigating a public television to a
21 particular website. And that's found --

22 JUDGE HOWARD: Have you -- have you cited any cases in your
23 papers where the Federal Circuit has said that an economic reason is a
24 reason to -- or economics is a reason to not make a combination? Would
25 that not have been obvious. I mean, because I'm aware -- and just my point
26 is I'm aware of cases that say the opposite, that you can use economics as a

1 way of showing that something would've been obvious to combine, but I'm
2 not aware of any cases that say the opposite, that if there's a lack of
3 economics or would be economically added to do so, that would be a reason
4 not to find something obvious that would've been technically feasible.

5 MR. MILKEY: I wasn't able to find a situation where there was an
6 allegation based on economics. Here the -- the Petition's motivation is based
7 on economics regarding the -- the benefits of navigating the set-top box to
8 Baig's website. It's not some technical advantage of that. It's just, you
9 know, you have to display some content on the website. What's that content
10 going to be? That's fundamentally an economic, not a technical
11 consideration. I don't think that -- I wasn't able to find a case where when
12 economics are used as the motivation to combine or modify that economics
13 would be irrelevant in finding non-obviousness.

14 I think that if economics is the motivation, then economics is fair play
15 for rebutting that. But in terms of economics alone, if there is some
16 technical benefit, if there is some, for example, efficiency benefit, for
17 example, if we say that, you know, we can get a more powerful processor,
18 but it's going to cost us more money, yes, I agree that the case law says that
19 economics is not a reason why the more powerful processor would not have
20 been obvious.

21 JUDGE HOWARD: Thank you.

22 MR. MILKEY: And just one final point on this is that again, some --
23 somebody needs to be controlling this television in order to navigate to
24 Baig's website. It's an interactive website. There needs to be some level of
25 control. Nowhere in the briefing does Petitioner explain who's going to be
26 controlling the website. You know. The -- the fundamental lack of

1 explanation of how their proposed modification would operate, separate
2 from the objective evidence of people in the -- in the art not actually doing
3 anything analogous to what they're suggesting I -- I think shows how
4 hindsight based their theory is they -- they can't even articulate a way that
5 they feel comfortable defending in terms of how their combination would
6 work.

7 And so, you know, there are -- there are privacy concerns. We have --
8 this is slide 46, figure five of Baig. To even log into bag's website, you have
9 to, enter your -- your full name. Of course, there are privacy safeguards on
10 the website itself. When other users see your profile, they're not going to see
11 your full name, but when you log in and create an account, it is going to
12 show your name.

13 And so if someone's using Baig's website on a public television, their -
14 - their name is going to be on display for everyone to see. There are also
15 auction features of Baig's website, and, of course, in order to buy something,
16 you have to enter in some credentials. You don't just pay something on good
17 faith over the internet. You have to enter in some credentials for payment.
18 And those payment issues would be subject to privacy concerns. And then
19 there's the whole issue of if someone's controlling the website -- if assuming
20 it's not -- for example, the Starbucks itself, you don't know where that user's
21 going to go across the whole internet, which is -- is problematic.

22 So there are a lot of problems, sort of regardless of how the control
23 situation works out, and Petitioner has failed to address any of those issues.
24 So, you know, we -- we think that the objective evidence, setting aside the --
25 the economic back and forth between the experts shows that this would not
26 have been obvious. You know, even in the -- the nearly two decades now

1 since the last reference they rely on has priority to there's no evidence of
2 anyone actually combining the two references in the way that they say.

3 Again, we don't think that that's actually a real combination of the
4 references. We think that that's a combination of the references, plus
5 additional steps that they have to independently motivate on namely moving
6 the TV to Baig's website. But we think that the objective evidence shows
7 that their theory is really based on -- on hindsight, not what a person
8 would've actually understood to be obvious.

9 And I think we've covered the -- the dependent claims pretty
10 extensively already. You know, under their theory, TV ads or ads displayed
11 on a TV. They now discuss this new construction that they're proposing. Uh,
12 you know, I think the only possible argument they have that this is
13 something that was disclosed in the Petition itself or in any paper, is this
14 cursory reference as defined by the '260 Patent with the citation, but their
15 own characterization of that definition evidence is a very different
16 understanding of that definition than they're now setting forth.

17 And their own expert disagrees with -- with their understanding. He
18 said that a television advertisement is an advertisement displayed on a
19 television set. He agreed that in the context of this proceeding. That is
20 correct. So, in terms of their -- attempt to issue a new construct -- to propose
21 a new construction, not even in the reply for the first time in oral argument,
22 we think is improper. And we think that the -- the briefing as -- the briefing
23 and the record are crystal clear that there is no television -- there is no
24 contract for a television ad disclosed in the record under the theory advanced
25 by Petitioner -- properly advanced by the petitioner in this case.

26 If -- do Your Honors have any additional questions?

1 JUDGE KHAN: Not from me.

2 MR. MILKEY: And I'll reserve the rest of my time.

3 JUDGE KHAN: Thank you, Counsel.

4 This is just -- Mr. Holt, you left 41 minutes, but I'm going to adjust
5 that down to 30 minutes.

6 MR. HOLT: Thank you, Your Honor.

7 JUDGE HOWARD: Mr. Holt, this is Judge Howard. Just, I -- I know
8 you probably have an order of things you want to do. Just -- it's okay.
9 Where Patent Owner ended, I thought it might actually be a good place to
10 pick up with Patent Owner's argument that you're making a new argument
11 that the claim construction and your theory of the case with regarding claims
12 121 and 146. So maybe it makes sense to start there.

13 MR. HOLT: Absolutely, Your Honor. And I strongly disagree with
14 my colleague on this issue. Judge Howard, you, yourself, pointed to page 27
15 of the 00422 petition. And if we look there, kind of middle of the page, it
16 states in the proposed combinations, Costa's set-top box is one of the devices
17 receiving ads. And here's a key piece. Baig's advertisements would
18 obviously have been displayed on any suitable access device, any suitable
19 access device, including Costa's set-top box. We're using the language there
20 that matches the language from the patent itself, and we're not proposing a
21 new construction. This comes directly from their own patent that was cited
22 Then at the end of that sentence. As -- go ahead.

23 JUDGE HOWARD: I guess one thing and --and Patent Owner made
24 this point, and I've looked through the papers. And it looks like your theory
25 in the Petition and in your Reply is that a television advertisement is an
26 advertisement that's displayed on a television set, which is consistent with

1 the definition of the '260 Patent that you have cited there. And if that's what
2 your argument is -- is that still your argument or is your argument that it
3 doesn't actually have to be displayed on a television set?

4 Is that now your argument?

5 MR. HOLT: No, Your Honor, what -- what I would say is that the
6 way you characterized the argument where a television advertisement
7 includes a tele- -- advertisement displayed on a television is, in fact, the
8 primary argument, absolutely, and that remains to be the argument. What I
9 was trying to show with the Petition is that there was, in fact, an argument
10 here in the middle of page 27 that specifically referenced the definition
11 provided in the patent and talked about the suitability of these access devices
12 to be able to display the advertisements described in Baig.

13 But, yes, Your Honor, the -- the idea is: Is it obvious to even display
14 an advertisement on a television, which I will note, you look at the claim
15 language and it's not saying a contract to display a TV ad on a TV. It's
16 saying a contract to display a TV ad, and the ads we see in Baig are
17 consistent with the types of advertisements their own patent talks about;
18 video, banner ad, text, audio. Those are all types of ads that are talked about
19 in Baig itself.

20 And so, when you then connect a set-top box in television at one of
21 the hotspots and an advertiser bids to display advertisements at that hotspot,
22 they are now advertising on a television. That advertisement's going to be
23 showed at the devices at that particular hotspot. And one of those devices, as
24 we explained in the petition, would have been a set-top box and a television.

25 JUDGE HOWARD: I guess I'm slightly confused as to your theory.
26 Is your theory that there's -- because in looking at your, again, looking at the

1 Petition, it looks like your theory is there's advertisements that are going to
2 be placed on television; therefore, there's a contract to go and display
3 television advertisements. And is your theory something else now? Has it
4 changed?

5 MR. HOLT: No, Your Honor, again, that, that theory remains the
6 theory. If you go so far as to display a TV ad on a TV is any advertisement,
7 frankly, under -- under what's shown in the petition -- or I'm sorry, the patent
8 itself in '260 Patent in column six.

9 If you are displaying an advertisement on a television, it is by
10 definition of their own patent suitable for display on a television. Right?
11 That's circular reasoning in a sense. And so, yes, that's what we were
12 focusing on because that's what the combination proves. The set-top box in
13 a television would be put at a public hotspot. And -- and when you target
14 that hotspot and advertisements are displayed on the devices at that hotspot,
15 one of those devices will be a television.

16 So yes, Your Honor, that is the theory.

17 JUDGE HOWARD: So -- so it -- it seems at least from your original -
18 - your opening remarks that you are arguing that the advertisement just has
19 to be capable of being played on a television set and it doesn't actually have
20 to be shown on a television set. Is -- is that something that you're alleging?
21 And if so, where is that in the Ppetition or the -- the testimony? Or is that
22 not something you're arguing?

23 MR. HOLT: That's not necessarily what we are specifically relying
24 upon with respect to 121 and 146, Your Honor. It is, in fact, that an
25 advertisement would be displayed on a television, but we wanted to give the

1 context in talking about this claim language that is given in discussing
2 television advertisements in general.

3 As, for example, on page twenty- -- I believe it's seven -- page 27 of
4 the petition. And so, we wanted to give that context because the idea is that.
5 Baig's advertisements are suitable for display on television because the
6 patent itself explains what types of advertisements are suitable to be
7 displayed on televisions and Baig's advertisements are those advertisements.

8 So Baig's advertisements are television advertisements. That's what
9 we talked about on page 27. But with respect to 121 and 146, the primary
10 point, yes, Your Honor, is that in the combination you would connect a set-
11 top box in a television at a public hotspot. And in doing so, when an
12 advertisement by an advertiser is at -- you know, focused on that particular
13 hotspot is then going to necessarily be displayed on a television.

14 JUDGE HOWARD: Thank you.

15 MR. HOLT: I heard my colleague --

16 JUDGE HOWARD: I'm sorry. I have -- so I have one other question
17 on this. It's my understanding of Patent Owner's argument is that the
18 contract, and this is regard to again, just claims 121 and 146, that the
19 contract has to be to, to specifically, sorry, let me start that over.

20 That the contract has to be to specifically display a TV ad, although it
21 doesn't have to be exclusively to display TV ads. Is that your understanding
22 of the claim language? Or is it allowed that a contract to display ads, and it's
23 incidentally displayed on a television set that would be good enough?

24 MR. HOLT: It is the latter, Your Honor, again, with reference to the
25 patent's own description of what a TV ad is. But even if it were the narrower
26 of those two, again, Baig describes that in, in a couple of different places.

1 Baig first, as we noted talks about in figure 18, the concept of being able to
2 gather information about the types of devices that are being used at public
3 hotspots.

4 You see a graph there with different times of day, and there's different
5 coloring in the bars. That different coloring is shown to be different devices,
6 and so it's identifying the devices. This is the type of information that Baig
7 says is the type of information not only collected by the BCSP, but then
8 utilized by advertisers to determine where they want to target their ads.

9 If you were to add a set-top box as a device, that information that's
10 already collected by Baig would include that particular device. It would call
11 it out. Now advertisers have access to information in making the decision of
12 where they want to advertise. They can pick hotspots to have these
13 televisions now.

14 I heard my colleague talk a bit about an, an, an example of -- of
15 putting up an advertisement at Cowboy Stadium, and how that may be more
16 expensive. But if you look at I believe it is paragraph -- this is on slide 37 of
17 the Petitioner's demonstratives, paragraph 105 talks about specifically real-
18 time advertising at a physical location, e.g. billboard at Times Square.

19 And the advertisers in the VCSP system competing for the right to
20 exclusively advertise in real time at that location with the billboard. So,
21 Baig already contemplates the concept of utilizing displays in public places
22 that aren't on personal devices for the display of advertisements. It means
23 that that particular billboard, for instance, would have to be part of the VCSP
24 system in order to display those advertisements. And it's talking here about
25 that being a public hotspot in, for instance, Times Square. So, you'd have

1 individuals with their phones or maybe even sitting down with their laptops,
2 and then you'd have the displays available.

3 And -- and we cited to this both in the Petition as well, I believe, in
4 the Reply. And I believe we talked about this in the Reply page nine, about
5 the wide range of devices available at access points. And -- and Mr. Lett
6 also described this in his reply declaration. And so, the idea that for some
7 reason somebody's going to get away with displaying something on a -- on a
8 display for cheap, you know, again, just it doesn't seem to make an awful lot
9 of sense in light of Baig's un-disclosure.

10 And that kind of led into the concept of economic motivations. I
11 agree, Your Honor, we don't really want or need the experts to be talking
12 about those types of economic motivations in and of themselves necessarily.
13 We have the experts talking from the perspective of a POSITA, the person
14 designing these systems. And what a POSITA would've seen in looking at
15 Baig is there is already benefit identified in Baig to displaying the type of
16 content provided by the VCSP as well as advertisements at these locations.
17 It is talking about users being at these locations. Connecting to the public
18 hotspot and then getting access to the VCSP and viewing its content and
19 seeing the advertisements along with that content.

20 So you already have Baig giving you the rationale from a business
21 owner's perspective. You don't have to have expert testimony. Baig tells
22 you you want to do this already. The question just becomes, do I want to
23 limit it to an individual's personal devices like a laptop or a cell phone, or do
24 I want to be able to expand that to just about any device that would be able
25 to be a -- a connected to a hotspot.

1 And it -- it's pretty straightforward that it would be the latter. For
2 instance, it is just, you know, off the top of my head, you walk into a cafe,
3 you see everybody's got their screens. You forgot your cell phone at home.
4 You didn't bring it with you, man. They're all doing interesting stuff off a
5 VSP's [sic] content servers -- VSPC's content servers. Well, now I got a
6 television, I can see it, right? I can see what's going on. I will have access
7 like everyone else. And you heard this specific example about a social
8 media website and why would you ever put something like Facebook up on
9 a big screen and in a Starbucks. That's not what the petition was suggesting
10 this combination would look like.

11 If you look at the Petition, it never mentions a social media website.
12 What it talks about specifically as the benefits of allowing set-top boxes and
13 televisions to access this particular type of content is on page 12 of the
14 petition. And this wasn't in passing. This was the heart of the benefit
15 identified to motivate the combination Baig shares, music, video games, and
16 advertisements at hotspots. That's vague itself. It already says that that's
17 happening at Baig on the individual's devices. Goes on to say a POSITA
18 would have realized a set-top box would beneficially provide that content for
19 display via a television or other display.

20 That is to say that content that's already being provided to individuals
21 on their individual screens, why wouldn't I want that up on a screen where
22 people who might not be paying attention to their individual screens might
23 also see? And again, the example in Baig itself is the usage of these video
24 games for individuals within a hotspot or even across hotspots to compete
25 against one another. If they were doing that on their individual devices, it is

1 by all means, not a particularly large leap to imagine that happening on the
2 set-top box with the television.

3 And my colleague wanted to suggest that there was no discussion in
4 the petition about actually having a set-top box go to a website, but that's
5 simply not true. If you look at slide 13 of Petitioner's demonstratives, you
6 see at pages 11 through 12, the petition specifically stated it was well-known
7 to provide webpage, including advertisements on a set-top box and it cited to
8 Howcroft as corroborating evidence of this.

9 Howcroft paragraph 73 is at the top and it specifically talks about
10 accessing web pages with your set-top box in an IPTV setting, the ability to
11 do that in, you know, the context of Howcroft shows that this was something
12 people were already doing. This is not something you have to change or is
13 outside the concepts of the prior art.

14 Baig tells us you advertise on the devices at the hotspot. Costa tells us
15 connecting a set-top box at the hotspot was well known and straightforward.
16 Again, Plug and Play. And if there was any question that you might need to
17 navigate to a website, which Your Honors we don't even believe is
18 absolutely necessary and Baig we show that the VCSP is broadly described
19 and that these quote, unquote, webpage are illustrative. But assuming it
20 even was, in the Petition itself, there was evidence provided to corroborate
21 that directing a set-top box to a webpage was known.

22 Again, the economic consideration that was talked about over and
23 over again doesn't need to come from anything other than Baig itself, which
24 is already trying to provide this content to people at these places. Why do
25 you do that? Well, it keeps them around, but ultimately, whatever that

1 economic motivation might be, Baig is telling us it's there. We don't need to
2 speculate.

3 What I would say, Your Honors, is that the idea of putting a set-top
4 box at one of these locations. Again, is just the expansion of the type of
5 devices that are accessing these hotspots; whether or not a person at that
6 particular spot would be able to navigate to VCSP, again, is shown in Baig
7 itself. They're already doing it. They're doing it on their laptops, they're
8 doing it on their cell phones. Having, for instance, a coffee shop owner, a
9 bar owner, a music store owner, navigate to VCSP and access. This content
10 is not only taught in Baig, it's given as an example. If you look for instance,
11 at paragraph 58 of Baig, there's an example on paragraph 58.

12 For example, the owner of a music store who has logged into the
13 VCSP 202 can choose to advertise discount coupons to other users logged on
14 the hotspots in his store's vicinity. This is business owners having the
15 capacity to log into the VCSP and participate in the VCSP, both as
16 advertisers and as the ability to actually utilize the VCSP because the whole
17 point is putting these hotspots at businesses or other places of community;
18 airports, college campuses.

19 I mean, college campuses. You want to provide the students
20 something that's entertaining, and that's what VCSP does. It's content that's
21 entertaining to the users. We -- we shouldn't get caught up in the concept of,
22 okay, how exactly is this going to be implemented because the POSITA here
23 has ordinary creativity. That's what we hear from KSR. And to suggest that
24 no one knew how to allow for the control of content on a set-top box is
25 undermined by the evidence in the Petition, specifically Howcroft.

1 And again, the examples in Baig show the individuals not the even
2 designer, the POSITA, but the individuals utilizing the system, the end-users
3 being able to do this and do it effectively. And if you give over that control,
4 we hear, well, now, that's dangerous. Would it have been any more
5 dangerous again in the example of the bar to put television up on the bar?
6 What are the advertisements that are displayed? The bar owner has no
7 control over that. They just take their cable and connect it to the system.
8 And now I'm seeing any advertisement that my local television station wants
9 to run.

10 Might another bar's advertisement pop up? Yeah. Is that going to
11 prevent me from putting up the majority of the other content up there that is
12 keeping my patrons happy and entertained and buying more of my product?
13 No. That's -- that's a trade off, right? And so, again, the reason we said you
14 don't need to go any further than these ref references is because the
15 references give you all you need.

16 And again, that's Plug and Play just by the definition provided, you
17 know, the, the, the information provided in these references. But even if
18 there were some need to somehow come up with small solutions to control,
19 for instance, of how you get to a website that was well within the skill of a
20 POSITA, again, ordinary creativity, KSR tells us we're not stuck on what's
21 explicitly described in the references.

22 This is not about bodily incorporation. This is about whether these
23 concepts would've flowed naturally from these teachings, and they
24 absolutely would have.

25 Are there any further questions, Your Honors?

26 JUDGE KAHN: No, not from me. Thank you, Counsel.

1 MR. HOLT: Thank you, Your Honor.

2 MR. MILKEY: Ready to proceed, Your Honors?

3 JUDGE KHAN: Go ahead.

4 MR. MILKEY: Alright. Thank you, Your Honors. So, I'd like to start
5 where my colleague left off, which is I -- the -- we don't need to get into the
6 weeds of how this combination would've actually worked because POSITA
7 has ordinary creativity and they certainly would've been able to figure it out.

8 I understand that KSR allows for ordinary creativity and we don't
9 dispute that. I don't think KSR should be right as saying that petitioners or
10 patent challengers more generally don't have to describe how their
11 combinations would work. I think that it should be understood as once a
12 petitioner or a patent challenger has explained how their combination would
13 work, ordinary creativity could be used to support that modification or
14 combination, not that petitioners don't have to explain their combination and
15 -- and boards or courts should just assume that ordinary creativity would
16 arrive at some unspecified solution.

17 I don't think that that's appropriate at all, that there would be you
18 know, a -- a failure at all to describe how these things would be
19 implemented. I also want to briefly touch on the music store and college
20 campus examples that were given. These were never substantively
21 discussed. I think the only example of a campus was a quote in passing in
22 one of the briefs not an actual substantive discussion of it. And the music
23 store example, I don't believe was ever substantively discussed.

24 The -- you know, the fact that they're looking for additional
25 motivations not discussed in the briefing is -- obviously, we never had a
26 chance to address that, but for example, a music store owner navigating to

1 Baig's website on their own laptop is clearly much different than the music
2 store owner putting up a television and navigating to Baig's website.

3 One last point on the independent claims -- actually two, two last
4 points. The -- they said that -- that they don't have to rely on economic
5 testimony from their expert because Baig discloses that the person designing
6 these systems would've been motivated to, to do this. Well, the person
7 designing Baig's system doesn't have the power to control what -- what's
8 happening at the hotspots. Nothing in any of the references, including
9 Howcroft Exhibit 1016, which they cite to discloses that a public television
10 set would be used to navigate to any website, much less a website like
11 Baig's. Baig doesn't disclose that. The Times Square advertising example in
12 Baig, obviously, that's not -- that's not the -- the combination that the petition
13 relies on at all and that's not something that's fairly -- fairly an issue in this
14 case.

15 But I will say that Baig's Times Square example is specifically limited
16 to advertising and doesn't go into displaying any other features of anything
17 from Baig's content server such that -- and again, we've -- we've discussed
18 that there wouldn't be sort of an independent motivation to -- for -- for
19 example, Starbucks or other proprietor of a WiFi hotspot to tune to Baig
20 system just for the purpose of, of advertising on a -- on a public hotspot TV.

21 They discussed the sports bar example where a sports bar might have
22 the -- the local game on, and that might show like a random advertisement
23 for another sports bar. Obviously, that's a trade off, but the, the issue there is
24 the sports bar obviously doesn't tune to the Cowboys game because they're
25 hoping their ad's going to get shown. The sports bar is tuning to the
26 Cowboys game because the patrons want to see the Cowboys game. It's --

1 it's not a situation where is the petition in reply suggests that advertising
2 alone would be, like, a primary reason to go to that content distribution.

3 I want to end on the -- in -- on the dependent claims of 121 and 146.
4 There are now two theories at issue in this case starting today. The first is
5 there's this incidental display of a TV ad pursuant to a contract is sufficient
6 to meet the contract for a TV ad requirement. This is, I think, somewhat
7 nonsensical. It basically creates a -- a Schrodinger's contract, if you will,
8 where there will be a contract to display a TV ad if an ad happens to get
9 displayed on a TV pursuant to that contract.

10 At the time the party's entering the contract, there's no knowledge
11 whatsoever of whether that's going to happen. The contract would, at one
12 moment in time, be not a contract to display a TV ad before any TV ad is
13 actually displayed, and then the moment the TV ad is displayed, now that
14 contract shifts in nature to be a contract to display a TV ad simply because
15 there was an incidental display of a TV ad.

16 I don't think that that's a fair reading of this. I think a contract to
17 display a television advertisement is something that should be understood
18 from the contract itself, and the intent of the parties and that you can simply
19 have some incidental display. Uh, just like I wouldn't fairly say that I've
20 entered into a contract to display an ad at Cowboy Stadium because, you
21 know, I entered into an ad to display something on CNN and then someone
22 hacked Cowboy Stadium to display CNN, which ended up displaying my ad
23 my, the contract was display A CNN ad, not an ad at Cowboy Stadium.

24 On the intentional requirement you know, the, the, the instance where
25 it needs to be sort of intentional that there would be a TV ad. They could
26 have been a reply if this was their theory clarified this even in reply after we

1 disputed claims 121 and 146 specifically. This is from reply at 17 as
2 explained in the petition because Baig's website and its advertisements
3 would be provided to Costa's SDB for presentation on a television.

4 These advertisements are TV ads as defined by the 260 Patent.
5 There's no discussion of suitability being sufficient. If -- if that was their
6 argument, they could have clearly made that they had extra words that they
7 could have used in their reply. They never raised that argument. It's only,
8 after realizing that they didn't address this in the briefing, that they're now
9 raising it at oral argument.

10 And we don't think that should be considered. But in any event, there's
11 no intentional display. There's -- there's no intentional contract to display a
12 TB out in Baig. They just, I know I'm out of time, but very briefly they
13 mentioned, one figure from Baig that discusses device types. If you look at
14 that figure, I think it's figure 18. The device types does not include set-top
15 boxes or TVs. So that I think weighs against a finding of intentionality not
16 towards. And unless Your Honors have any questions thank you very much
17 for your time.

18 JUDGE KHAN: Thank you, Counsel.

19 MR. MILKEY: Thank, Your Honors.

20 JUDGE HOWARD: Okay. But -- this is Judge Howard. Thank --I
21 want to thank both parties for your presentations. We will take this under
22 advisement, but I do have one issue I want to raise before we go off the
23 record.

24 It appears that there is a dispute as to the meaning of the phrase,
25 "contracted to display a TV ad," as recited in claims 121 and 146.

1 I think what would make the most sense for the board is to provide the
2 parties with an opportunity to brief this claim these -- this claim limitation
3 that has not been at least explicitly raised by either of the parties in the
4 briefing so far. What I'd like to suggest, I'll -- I'll hear from the parties on
5 this, is that we have brief assigned. We'll do simultaneous briefs of up to
6 five pages. If you think that's necessary. I'm sure that it will be so you don't
7 have to use it all on the meaning of that phrase, followed up by a three-page
8 reply again, simultaneously. That is saying two weeks for the opening brief
9 and then one week after that for the reply brief.

10 I just want to hear from the parties if the pages or time limits are
11 going to cause any issues.

12 MR. HOLT: No, Your Honor, not for petitioner.

13 MR. MILKEY: Not for Patent Owner, Your Honor. Although I, I
14 would, uh, my, my concern is that the, the theory in the petition, I, I just
15 want to be clear that we're not going beyond the theories in the petition. But
16 we don't have any concern with discussing the claim construction issue,
17 which I understand is more directed to the issue of whether the theory in the
18 petition meets the -- the plain meaning.

19 JUDGE HOWARD: And that is correct. This is not an opportunity to
20 present any new issues or theories for either Petitioner or a Patent Owner.
21 It's also not an opportunity to present new evidence. You need to rely only
22 on evidence that's in the record. And I will follow this up with a -- an order.
23 We'll follow this up with an order, but the parties should begin working on
24 their briefs even if before the order comes in. So, two weeks from today, just
25 so that we're clear will be September 11th.

1 And that for the -- that will be for the opening briefs. And then the
2 reply briefs will be due a week later on September 18th.

3 Okay. And with that we are off the record.

4 (Hearing concluded at 10:53 a.m.)

IPR2024-00421 (Patent 7,861,260 B2)
IPR2024-00422 (Patent 7,861,260 B2)

PETITIONER:

Frederic Meeker

Chunhsi Mu

Camille Sauer

Shambhavi Patel

John Hutchins

Reilley Keane

Jonathan Peloquin

Zachary Getzelman

Azuka Dike

BANNER & WITCOFF, LTD.

fmeeker@bannerwitcoff.com

amu@bannerwitcoff.com

csauer@bannerwitcoff.com

spatel@bannerwitcoff.com

jhutchins@bannerwitcoff.com

rkeane@bannerwitcoff.com

jpeloquin@bannerwitcoff.com

zgetzelman@bannerwitcoff.com

adike@bannerwitcoff.com

Joshua Griswold

Karan Jhurani

Daniel Wheaton

Susan Morrison

David Holt

FISH & RICHARDSON P.C

griswold@fr.com

jhurani@fr.com

dwheaton@fr.com

morrison@fr.com

dth@fr.com

IPR2024-00421 (Patent 7,861,260 B2)
IPR2024-00422 (Patent 7,861,260 B2)

PATENT OWNER:

Reza Mirzaie
Jonathan Link
James Milkey
Amy Hayden
Philip Wang
RUSS, AUGUST & KABAT
rmirzaie@raklaw.com
jlink@raklaw.com
jmilkey@raklaw.com
ahayden@raklaw.com
pwang@raklaw.com