

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TWITCH INTERACTIVE, INC.,
Petitioner,

v.

RAZDOG HOLDINGS, LLC,
Patent Owner

IPR2025-00307 (Patent 9,729,658 B2)
IPR2025-00308 (Patent 10,334,068 B2)

Record of Oral Hearing
Held: May 7, 2026

BEFORE: KEVIN C. TROCK, AARON W. MOORE, and
JASON M. REPKO, Administrative Patent Judges.

IPR2025-00307, Patent 9,729,658 B2
IPR2025-00308, Patent 10,334,068 B2

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P R O C E E D I N G S

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JUDGE REPKO: So, this is a consolidated oral hearing for IPR2025 307 and 308. I'm Judge Repko. I'm joined by Judges Trock and Moore remotely. There are members of the public listening to the oral hearing today, so if there's any confidential information, I don't think there is, but if you need to tell us about it so we can make sure we don't violate that confidentiality.

At this time, we'd like Counsel to introduce themselves, beginning with Petitioner's Counsel, followed by Patent Owner's. And then you have to tell me if you're going to present fully today or handing it off to anyone. If you could introduce everyone with you, Petitioner.

MS. KAISER: Thank you, Your Honor. Jessica Kaiser from the law firm of Perkins Coie LLP, on behalf of Petitioner Twitch Interactive, Inc. Along with me today is Jon Carter. Mr. Carter will be also presenting a portion of the argument. And then also with me is Mr. Chris Moulder who will not be presenting but has appeared in the IPR. We also have a couple of visitors from Perkins' D.C. office who are observing the first PTAB hearing. So, thank you.

JUDGE REPKO: Thank you. Patent Owner, can you introduce anyone with you?

MR. THOMPSON: Yes. My name is Roger Thompson, I am the lead Counsel for the Patent Owner, Razdog Holdings LLC. I will not be presenting. Mr. Nicholas Wyss, who is here as backup Counsel, pro hac, will be presenting on the entirety of our argument on behalf of Razdog.

1 JUDGE REPKO: Thank you.

2 MR. THOMPSON: Thank you.

3 JUDGE REPKO: So, our hearing order gave each party 75
4 minutes to present their arguments. Both parties may reserve some rebuttal
5 time, but not more than half your time for rebuttal, unless there's some
6 circumstance that you could bring to our attention. Petitioner's Counsel will
7 begin followed by Patent Owner's.

8 If you have any objections, please raise them during your own
9 time. Don't interrupt the party at the podium. So, with that, I'm going to
10 invite Petitioner's Counsel to begin, and I'll need to know how much time
11 you wish to reserve for rebuttal.

12 MS. KAISER: Thank you, Your Honor. I just want to make sure
13 that both the remote Judges can also hear me.

14 JUDGE TROCK: Yes, we can hear you.

15 MS. KAISER: Great. So, Your Honor, I would like to reserve 20
16 minutes for rebuttal.

17 JUDGE REPKO: Okay. You may begin.

18 MS. KAISER: Good afternoon, Your Honors, and may it please
19 the Board. I'm Counsel, as I said for Petitioner, Twitch. And this case is
20 really about the Patent Owner trying to narrow the issued claims in its patent
21 to avoid the invalidating prior art.

22 But the limitations that the Patent Owner tries to read in are
23 contradicted by the intrinsic evidence and should be rejected. Once the
24 patent claims are properly construed, the Board should find that the claims
25 are unpatentable.

26 So, if we can go to Slide 2. Just to give a brief roadmap, I'm going

1 to start with an overview of the patent and the overall dispute and then I will
2 turn to the claim construction, which I know is an important disputed issue
3 here, particularly of the term real time as it is used in the context of the
4 various claim limitations. I'll then turn the argument over to my colleague,
5 Mr. Carter, who will address the arguments that are specific to the prior art
6 grounds.

7 We go to Slide 4 please. So as Your Honors know, this is a
8 consolidated hearing for two IPRs. But the Claim 1 of the '658 Patent and
9 Claim 1 of the '068 Patent are substantially similar, and the parties agree on
10 this. And so, I will focus on the '658 Patent and refer to Papers and exhibits
11 in IPR2025-00307 unless Your Honors direct me to something that's specific
12 to the other IPR.

13 So, if we go to Slide 8, I just want to orient us to the specific parts,
14 I'm sorry, Slide 6, to the specific parts of Claim 1. And Claim 1 really has
15 four primary pieces. The first is the master server limitation, and you'll see
16 on the left-hand side it's Figure 1 from the '658 Patent. And then the master
17 server limitations are subpart A of Claim 1, and then the last wherein clause
18 of Subpart C. And these are not disputed by the parties in this case.

19 If you go to the next slide, Slide 7. Slide 7 shows highlighted
20 Claim 1 limitation B, and this is about the master application. And you'll see
21 that in the master application limitation, that application is something that
22 executes on the master server. So, you can see that shown again in Figure 1,
23 107 is the master application, and it runs on the master server.

24 And that limitation, various parts of it are the focus of the party's
25 disputes here. If you go to Slide 8, contained within the master application
26 is also a limitation relating to a slide tool program. And we've just

1 illustrated that here with Figure 2B showing that someone can, for example,
2 swipe through different pieces of content. But the slide tool application is
3 for scrolling or paging through content from multiple content sources in real
4 time.

5 And then if we go to Slide 9, then the last piece of Claim 1 is a
6 remote toolbox feature. And this is another feature that is not disputed. It's
7 not disputed that the prior art teaches the remote toolbox feature in this IPR.

8 And if we go to Slide 12, it's just worth noting briefly that in the
9 examiner's reason for allowance, the examiner was very focused on this
10 remote toolbox feature as the primary reason for why these claims were
11 allowed. But it's not disputed in this IPR that the prior art that's been raised
12 by the Petitioner here teaches this limitation, what got the claims allowed.

13 So, I'm going to turn now to claim construction, which I think is
14 really the heart of the party's dispute. And one of the things that's important
15 to note is that although the dispute has been framed around the meaning of
16 real time itself, that's really what's not -- or that's really not disputed here.

17 All the parties agree that real time is temporal, so it has to do with
18 sort of how quickly something happens, and not about where information is
19 transmitted or the type of content. And so, the party's dispute really focuses
20 around the use of real time in various claim limitations. And if we go, I
21 want to change to Patent Owner Slide 24 quickly.

22 JUDGE TROCK: Before we go there, Ms. Kaiser, I have a
23 question. Can you hear me?

24 MS. KAISER: Yes, Your Honor.

25 JUDGE TROCK: So, I believe what you're saying is that the
26 definition of real time or the construction of it is not in dispute, it's the

1 application of it with respect to the claims. Is that your point?

2 MS. KAISER: Yes, Your Honor. And particularly, the context of
3 that particular term, within the various limitations of the independent claims.

4 JUDGE TROCK: So, can you point to me language, which is not
5 disputed, which defines real time between the parties --

6 MS. KAISER: So, if you go --

7 JUDGE TROCK: -- that you or the other side is not going to
8 disagree on?

9 MS. KAISER: So, Your Honor, if you go back to the slide we
10 were at, which I think is Slide 15. So, there are sort of nuances to the
11 different ways that both the majority at institution with the preliminary
12 construction as well as the Patent Owner and the Petitioner. There are slight
13 nuances to the ways that they have articulated the temporal component.

14 I don't think either party has contended that those slight differences
15 to how they're articulating the temporal component actually matter for
16 purposes of the unpatentability grounds here. And the parties have agreed
17 that real time should get its plain and ordinary meaning. So, it's my
18 understanding that if the Board were to construe real time as having its plain
19 and ordinary meaning, that neither party would dispute that.

20 JUDGE TROCK: Well, have the parties provided us with what the
21 plain and ordinary meaning is?

22 MS. KAISER: Yes, Your Honor. Twitch has said that the plain
23 and ordinary meaning is that the content for more than one, this is in the
24 context of limitation 1B, content for more than one source is sent as soon as
25 it becomes available. So that's on the left-hand side. So, we've sort of
26 articulated that as happening as soon as it becomes available.

1 Razdog has articulated it more in terms of the same rate at
2 matching the human perception of time or proceeding at approximately the
3 same rate as a physical or external process. I think from a practical
4 standpoint and how that term is applied to the prior art in the context of 1B,
5 the distinctions there don't make a difference.

6 JUDGE TROCK: So, we don't have agreed upon language for the
7 plain ordinary meaning, but your position, I believe is that it doesn't make a
8 difference in whether we apply what Twitch is saying, the plain ordinary
9 meaning is, or what Razdog is saying the plain and ordinary meaning is. Is
10 that your point?

11 MS. KAISER: Yes, Your Honor. And that's because really what
12 the dispute focuses around for limitation 1B, is whether there are additional
13 requirements for real time that go beyond the temporal requirement that the
14 parties generally agree about.

15 JUDGE TROCK: Okay. Thank you.

16 MS. KAISER: So, if we can go back to Patent Owner's Slide 24.
17 And I point to this slide because I think it helps in some ways crystallize
18 what the dispute is. And so, on this slide, and there are several others that
19 say something similar, Patent Owner says at the bottom, real time requires
20 user visible operations on the master webpage.

21 And so, it's our understanding that Patent Owner's position is every
22 time that real time is used in the challenged claims, regardless of the context,
23 that there must be a user visible operation on the master webpage, that is,
24 user visible operation at the remote computer.

25 And it's our position that the intrinsic evidence doesn't support
26 reading that in every single time real time is used in the claims. And I'll get

1 into that a little bit more, but it is also interesting to note that when Patent
2 Owner's expert was asked about this at his deposition, he did not say that a
3 user visible requirement was a requirement every time real time was used.

4 So, this is at Exhibit 1082, Page 73 Lines 15 to 25. What Patent
5 Owner's expert testified was that user visible is only a requirement of, quote,
6 "at least some of the independent claims." And so even for Patent Owner's
7 own evidence, I think what they're stating their, evidence shows is an
8 overstatement of what their expert said.

9 JUDGE REPKO: So just focusing on the claim language though,
10 it's the master webpage. Isn't that user visible?

11 MS. KAISER: Not necessarily, Your Honor, because the master
12 webpage exists on the master server. If the user calls for the master
13 webpage and it is rendered at a remote device then it's user visible. But it
14 exists on the server without being user visible as well.

15 JUDGE REPKO: So, looking at the limitation though, it's talking
16 about organizing and scrolling and paging. Aren't these things that happen
17 at the user device? Isn't that what's actually driving the whole presentation?
18 And in fact, kind of brings in, kind of folds in the temporal requirement that
19 you're talking about? Kind of, it's all wrapped up in the language itself. We
20 don't have to go back any further to the expert.

21 MS. KAISER: So, Your Honor, if we can pull up – and, Mr.
22 Moulder, if we can pull up maybe Slide 17, I think, of Petitioner's Slides.
23 So, I think part of the -- so I agree with you that we need to look at the
24 limitation and see how real time is used. And there's two different uses of
25 real time in 1B.

26 And so, the for -- in 1B, again, just to orient us, is directed to the

1 master application that is executing on the server. And so that master
2 application, again, that's executing on the server includes software coded for
3 organizing content data and content applications from multiple content
4 sources or service providers that are preselected by the user.

5 So, the organizing is happening at the master server. Then there's
6 the stream that this is all part of the same limitation. I think some of the
7 confusion or some of Patent Owner's arguments are driven by how we split
8 up a very long limitation in our petition. But it is important to read the
9 whole limitation together.

10 And so that content -- so it continues on to say, that content is
11 streamed to the master server simultaneously in real time from their
12 respective servers. And so, what that's saying, again, is where is the content
13 streamed? It's streamed to the master server. And where is it coming from?
14 It's coming from the multiple content sources or service providers. And then
15 the on a master webpage, if you look at 1B1 and 1B2 together, on a master
16 webpage is really talking about where the content is being organized.

17 So again, the master server is, or the master webpage, is on the
18 master server, unless and until it is viewed from a remote computer. And so,
19 you'll note that in the next part of the claim limitation, the part that's
20 highlighted in blue, it doesn't say that that master -- that content is viewed or
21 is being viewed, or a user is viewing it from a remote computer. It says it is
22 viewable.

23 And I think that's a really important distinction here because again,
24 this is all talking about the master application, which is executing at the
25 master server. And that's setting things up so that they're viewable from a
26 remote computer. They're not actually, there's no requirement in this claim

1 that the content actually be viewed. That --

2 JUDGE REPKO: So, if we look at these limitations, I was
3 surprised by the way you colorized these, because we have the yellow part is
4 the organizing aspect of it.

5 MS. KAISER: Yes.

6 JUDGE REPKO: It's organizing content data and content
7 applications. And then you have the purple part that has on a master
8 webpage as part of that purple part. Shouldn't that be -- aren't you saying
9 that the on a master webpage is modifying organizing a yellow part?

10 MS. KAISER: It is, yes. As I was looking through these again
11 yesterday, I do agree that the coloring here is unfortunate for that. Because
12 it is true that you have -- and really, it's hard because it is such a long
13 limitation, so you try and break it down in a way that you can apply it to the
14 prior art. But it is true that the -- on a master webpage applies to the
15 organizing.

16 JUDGE REPKO: So, if that's the case, then the master webpage,
17 we're thinking about it as being just like code on a server, or is it actually a
18 webpage on the client that you're seeing it organize? And then the real time
19 -- that affects how you view the real time thing, right? If it's actually just
20 building something in real time on a server versus actually someone's
21 viewing it, viewable, and it's in responsive to the user actions.

22 MS. KAISER: Yes, Your Honor. So, the master webpage in this
23 context here where we're talking about what's happening with the master
24 application is code that's on a server. It's code on a server along with content
25 that's generally in some sort of storage, for example, a database.

26 And then when the view -- so and that allows that content to be

1 viewable from a remote computing device. But it's not actually viewed until
2 -- for example, a user logs on and then that webpage actually gets rendered
3 at the user device from that code and from the content that the code calls.

4 JUDGE REPKO: So then going back to the colors, the blue part.
5 You would think that on a master webpage. Is it viewable on a master
6 webpage because it's just by proximity to that phrase, right? Is that the more
7 natural reading of that? Like what's the argument that you would say on a
8 master webpage going back to the organizing part? Grammatically.

9 MS. KAISER: So, Your Honor, I think the difference there is that
10 it's talking about through the master server. And so, it is still the master
11 webpage because it's still the code, but the content is what's viewable. So,
12 it's not the master webpage that's viewable, it's the content that's viewable,
13 and it's viewable through the master server then on a master webpage that at
14 that -- if I had actually was the user and had called for it, then the master
15 webpage would now be rendered on my remote device.

16 JUDGE REPKO: Okay. But in the beginning you're organizing
17 content data and content applications, right?

18 MS. KAISER: Yes, Your Honor.

19 JUDGE REPKO: So, the applications and the data are on the
20 webpage?

21 MS. KAISER: They're on the webpage because the -- so it's a little
22 bit of a construct, right, because you're putting what's happening in code into
23 plain English language, but you're organizing the content because the code
24 tells you and the user has preselected which streams they want.

25 So, it could be like I want to have CNN, and I want to have BBC,
26 or I want to have my Gmail, and I want to have my iCloud email. So, you've

1 pre-selected which things you want. And then the webpage is organizing
2 that so that when the user call or the master application is organizing that on
3 the webpage, so the code for the webpage to say when it's viewed, I'll get
4 these streams in this way, this is how you render it.

5 But you won't actually have like just from the way that computers
6 work, right, like there's nobody with a screen at the server looking at the
7 webpage because it hasn't been rendered yet.

8 JUDGE REPKO: Right. But just to be clear though, you're saying
9 that organizing content data and content applications are on the master
10 webpage, that's how --

11 MS. KAISER: That's correct.

12 JUDGE REPKO: They're both applications and content?

13 MS. KAISER: Yes.

14 JUDGE REPKO: Okay. Proceed. Yes.

15 MS. KAISER: And maybe to this point as well, if you look at -- I
16 think this becomes clearer in the context of Claim 12 as well. And maybe,
17 Mr. Moulder, can we pull up the '658 Patent? The claims?

18 So, if you look at Claim 12 in the preamble, this makes clear that
19 -- let me make sure I've got this right. Yes. So here it talks about a master
20 webpage hosted and created on a cloud-based master server. So again, it's
21 focusing on that the webpage is on the server. And I believe the experts also
22 agreed about this. And so, I'll just -- so Dr. Martin who is our expert, a
23 Petitioner's expert, testified that the master webpage is generated on the
24 master server, and that's at Exhibit 2012 pages 107 to 109.

25 And Dr. Edwards, who is Patent Owner's expert, testified similarly,
26 and that is at Exhibit 1082, Page 92, Lines 12 through 14. And Dr. Martin

1 also testified about content being organized on the master webpage. That's
2 at Exhibit 2012 Page 196, Lines 10 to 19.

3 So, let's see. If we go maybe back to Slide 17. And actually, let's
4 go to Slide 18. So, one of the things that Patent Owner argues here is that
5 the majority in its preliminary construction at institution made mistakes in its
6 construction because it didn't sort of apply real time consistently across
7 different limitations in different independent claims.

8 And we disagree with that because I think the majority in the
9 construction was clear that they were looking at -- that you were looking at
10 the context of each different claim. And so, for example, in 1B2, what is
11 being streamed? It's the content data and content applications. Where is it
12 being streamed? To the master server. When is it being streamed?
13 Simultaneously in real time. And where is it being streamed from? From
14 their respective servers. So that's these remote content providers. So -- but
15 that's in the context of 1B2.

16 I think where some of Patent Owner's arguments get confusing, is
17 they try to have this unifying theory about how all the limitations are the
18 same or real time has to be the same context in all the limitations. And we
19 disagree with that because the different limitations in independent claims
20 have different context. And so, for example in 1B3 and also in 12B2, the
21 context is about the slide tool application. And that that gives the user the
22 ability to scroll or navigate through content in real time.

23 If we go to Slide 42. I don't expect you all to read everything that's
24 on this slide, but I just wanted to sort of highlight that this is a table, I
25 believe, this is on our reply brief. And one of the challenges that I think we
26 have had is understanding what requirements the Patent Owner thinks real

1 time has. And we feel like it's been a bit of a moving target. But one of the
2 unifying themes seems to be that although it's phrased in slightly different
3 ways, it seems that the Patent Owner is trying to limit the claims to live
4 streaming and segments. And so that shows up in this table that's on Slide
5 42 in items 2, 3, 5, 10, 11, 12, 14, 15, and 17.

6 They're all some flavor of looking for live streaming content. But
7 the problem is that both the claims and the specification don't support that.
8 And so, for example, if you look at dependent Claims 2, 3, 11, and 14, those
9 claims make it clear that the content that is recited in the claims also
10 includes things like email and social media, things that are not live streamed
11 or delivered in chunks.

12 And then dependent Claims 10 and 15 make it clear that the master
13 webpage can be an icon-based webpage. And so that wouldn't be limited to
14 streaming live content. In addition to what the dependent claims tell us, the
15 specification tells us that content is quite broad.

16 And so, for example, the specification Column 4, Lines 1 to 3, as
17 well as Column 6, Lines 41 to 48, really show that content can be anything
18 that's stored on the server. And so, in that Column 6 site, it can be all kinds
19 of things like sales data and marketing data. It's not limited to an idea of like
20 streaming audio or video, which seems to be Patent Owner's formulation of
21 its claims.

22 JUDGE REPKO: Why is that inconsistent with chunks? It seems
23 like you could take maybe a part of the email content, right, maybe like a
24 certain group of messages or something like that. Why is that inconsistent
25 with, for example, Claim 14?

26 MS. KAISER: Let's see. Do we have Claim 14 on the slide?

1 JUDGE REPKO: So, it says, Claim 14 says when one of the
2 multiple content sources or service providers is an email content source or
3 service provider. So, an email content source could be just groups of emails,
4 right?

5 MS. KAISER: Absolutely, Your Honor. But it wouldn't be like
6 where you're taking an individual email and splitting it up into pieces and
7 transmitting it. That's not generally how a person of ordinary skill in the art
8 would understand. You wouldn't understand emails as being something
9 that's live streamed. You would understand email as something that -- I
10 guess if it's large enough, a system might break it up into pieces.

11 JUDGE REPKO: Or multiple emails, right? Messages, right?
12 Like 10 messages at a time or whatever, right?

13 MS. KAISER: Yes, but I think Patent Owner, at least as I
14 understand it, Patent Owner's argument is more specific than that. It's
15 wanting to break up a video or audio into specific pieces of what we
16 understand to be a live streaming paradigm. And --

17 JUDGE REPKO: And you get emails in real time, right? As they
18 come in, or even just sales data, things like that. It seems like you could just
19 take any data that they've described and sort of break it up and bring it in
20 incrementally.

21 MS. KAISER: Right, but there's no requirement, Your Honor,
22 there's no requirement in the patent that you have to break it up. So, in other
23 words, a part of their argument is like transmitting something and storing it
24 makes it not real time. And what we're saying is, well, if you -- even if you
25 transmit the whole email at the same time and then you provide it or it's
26 available, it's viewable as soon as it's there at the server, then it's still real

1 time, you don't have to break it up into pieces.

2 So, I would say it's a difference of what's encompassed. You can
3 break it up into pieces. We're not saying that you can't have live streaming
4 in the context of this. What we're saying is it's not limited to live streaming.

5 JUDGE REPKO: Okay.

6 JUDGE TROCK: Ms. Kaiser, this is Judge Trock. So, I believe
7 you just said something along the lines that storing makes it not real time.

8 MS. KAISER: No, the opposite, Your Honor.

9 JUDGE TROCK: That was going to be my question. Does Claim
10 1 preclude storing any of this data in the process, or does it have to be this
11 concept of livestream? When it comes from one of the original sources, it's
12 got to come all the way through and it can't be stored anywhere in this
13 process?

14 MS. KAISER: So, Your Honor, I'm sorry if I misspoke. I didn't
15 mean to suggest that storage was precluded because I think it's quite the
16 opposite. I don't think there's anything in the intrinsic record including the
17 claims that would preclude storage as part of the transmission process. And
18 in fact, Patent Owner's expert, Dr. Edwards, agreed with that in his
19 deposition. That's at Exhibit 1082, Page 125, Lines 19 to 22. So --

20 JUDGE TROCK: I believe, not to interrupt, but I believe that was
21 one of Patent Owner's arguments that storage is not going to be
22 livestreamed, that you can't use a fetch command to go and get something
23 because that's not real time. Is that right?

24 MS. KAISER: Yes, Your Honor. But I think there's sort of two
25 pieces to that. One is, can you store it and have it be real time? And just in
26 the context of the way that computer systems operate, as things move from

1 one place in a system to another, they're going to be stored, whether it's in a
2 buffer or database or something else. And as I said, even Dr. Edwards
3 testified that just storing something didn't necessarily preclude it from being
4 a real time transmission. The other piece --

5 JUDGE TROCK: Not to interrupt you, but just for my own
6 purposes in following this train of thought, then doesn't this get to your
7 original point when we started, that this is the perception of when it's
8 available or a human perception of being available as soon as possible
9 without delay, so that if a computer is storing something during this process
10 and the user can't perceive that delay, is that still real time?

11 MS. KAISER: It depends on the context of real time, Your Honor.
12 And so, there's two contexts in Part B of the claim. And so, in the first part,
13 it's talking about streaming content from content providers to the server. So
14 that in real time. So that doesn't say anything then about what has to get
15 transmitted to be user visible.

16 JUDGE TROCK: And that's not going to have any kind of human
17 perception to it, right?

18 MS. KAISER: That's correct, Your Honor.

19 JUDGE TROCK: So, if the user's got his remote computer turned
20 off, that's going to happen whether or not the remote computer is on or
21 whether or not there's a human being sitting in front of it looking at it?

22 MS. KAISER: That's correct, Your Honor.

23 JUDGE TROCK: Okay. So, what about the second context?

24 MS. KAISER: So, then the second context, again, it's talking
25 about, this is in what we've labeled as limitation 1B3. And in the context of
26 that limitation, it's talking about a scroll -- sorry, slide tool program, I

1 believe, is the right term, and that is a program that gets enabled on the user
2 side or -- I don't want to misspeak what the actual language is, but it goes
3 -- the master application gets that to the remote device and then that program
4 is for scrolling or navigating the content in real time. And so --

5 JUDGE TROCK: That's something the user would be operating
6 from the remote device, correct?

7 MS. KAISER: That's right. Claim 1 for example, doesn't actually
8 require the user to be scrolling, but it requires that capability be given to the
9 remote computer. And when the user is using that capability, so is using the
10 slide tool program, then they would be scrolling the content in real time.

11 And so, what that means, our understanding of what that means
12 and what our expert testified to, is that a person of ordinary skill in the art
13 would essentially argue that that eliminates scroll delay. So, it's you're
14 -- when you're scrolling, you're moving through the content in real time. It
15 doesn't have anything to do with the type of content that you're looking at,
16 which is what I understand one of Patent Owner's arguments to be.

17 JUDGE TROCK: So, if the user doesn't perceive any delay while
18 it's using this tool, that would be real time?

19 MS. KAISER: Yes, Your Honor.

20 JUDGE TROCK: Okay. And that's independent and separate
21 from the source material that's coming to the server?

22 MS. KAISER: Yes, Your Honor.

23 JUDGE TROCK: So, it's not all one big stream, it's not coming
24 from the source all the way to the user?

25 MS. KAISER: That's not the way that the claims recite these
26 limitations.

1 JUDGE TROCK: Okay. Thank you.

2 MS. KAISER: And that's also consistent by the way with Claim 7.
3 If we go to Slide, I think it's 24. It's important to note here, this is another
4 independent claim. We've been focused on Claim 1, but in Claim 7 it talks
5 about content data or content applications are simultaneously streamed to the
6 master server, and it doesn't mention here a master webpage at all.

7 So again, the focus is on streaming data from the content sources
8 to the master server. And then can you pull, Mr. Moulder, the claims back
9 up again? And I would like to look just briefly again at Claim 12. So, I
10 talked a little bit about Claim 12 before, but I also wanted to mention that in
11 Claim 12A, here again, it is talking about streaming content data or content
12 applications from the servers.

13 And then it says, to the cloud-based master server. So again, here
14 the focus is on streaming data from a data source or content sources to the
15 master server. It doesn't mention the master webpage. And then in 12B,
16 which is the next limitation there, it does talk about the user navigates
17 through content using the Slide tool program in real time, and the Patent
18 Owner points to limitation 12B.

19 This is really akin to the slide tool a limitation of Claim 1B3, and
20 is about real time scrolling as opposed to whatever type of content is being
21 streamed. So, unless there are other questions about claim construction, I'm
22 going to hand it over to my colleague, Mr. Carter, to talk about the prior art
23 based arguments.

24 JUDGE REPKO: I don't have any further questions.

25 MR. CARTER: Good afternoon, Your Honors. Jon Carter, also
26 for Petitioner. I think that a lot of the disputes with respect to the grounds

1 that have been offered are largely -- can be boiled down to claim
2 construction disputes akin to what you've already been discussing with my
3 colleague Ms. Kaiser.

4 I'm happy to walk through each of the grounds and sort of
5 demonstrate where everything is. I certainly am prepared to do that. But
6 before I dive into specific pieces, I wanted to make sure that I'm addressing
7 any questions that you may have that are top of mind with respect to either
8 the Darnell or the Dasgupta grounds.

9 That's Ground 1 for Darnell, and Ground 2 is Dasgupta. If you
10 don't have specific questions, I can just go straight into what I think the crux
11 of some of the disputes are at this point.

12 JUDGE REPKO: No questions. Thanks.

13 MR. CARTER: So why don't we go to Slide 46. We're going to
14 start with Darnell. And one of the things I want to focus on, first of all, is
15 that I don't think anything here is disputed in terms of the disclosure, in
16 terms of what Darnell actually provides with respect to the claim limitations.

17 And we tried to color code it here. All the structural components
18 are there. There's no dispute about that. And then if we go to the next slide,
19 Slide 47, when we actually look inside of Darnell's server, there's no dispute
20 here that there is a master application that's executing within the server.

21 And further to, I think, a point that Ms. Kaiser touched upon, I
22 want to make clear that the webpage -- what we point to is the webpage in
23 Darnell is constructed in the master server. It's actually built through the
24 feed tracker module, the subscriptions database, the feed content database.
25 All of that is the database that is used to construct the master webpage on the
26 master server.

1 If we can actually go to Slide 48, please. With respect to the feed
2 tracker module, this is the thing that is actually receiving the content in the
3 system, in Darnell's system. It's receiving that content and retrieving those
4 content items. And there's a lot of discussion, I think in the briefing about
5 the feed tracker module retrieving content items when they are requested,
6 when there's a fetch command, or some sort of periodic retrieval. But I think
7 it's important to first of all recognize that that's not what the feed tracker
8 module is limited to.

9 In fact, it is expressly capable of retrieving content as content feeds
10 are updated. And so that doesn't require any sort of interaction. What that
11 means is, the master server inside Dasgupta's system, I'm sorry, in Darnell's
12 system, is constantly retrieving information. It's retrieving that content and
13 putting it into its database, making it available as it comes in without any
14 sort of user activity required for that.

15 JUDGE REPKO: So how exactly does that work? Can you point
16 to any specific parts of Darnell that describe how that is updated constantly?

17 MR. CARTER: So, what we have here, is the fact that the content
18 feeds are updated, right?

19 JUDGE REPKO: Right.

20 MR. CARTER: So that the feed tracker module is retrieving that.
21 I think this is probably the best disclosure of it. And there isn't any dispute
22 that this is the disclosure in Darnell and it says the feed tracker module is
23 capable of doing this, right? So, it's actually retrieving that content and it's
24 doing it as those feed -- as the content becomes available. I don't think
25 Darnell --

26 JUDGE REPKO: Implementation details is I guess what I'm

1 asking.

2 MR. CARTER: Yes. So, it doesn't actually give you a great deal
3 of implementation detail on the server side. So, a lot of the dispute, and I
4 think this is where things get a little, at least a little confusing at times, with
5 respect to Darnell and Dasgupta, a lot of the discussion, subsequent
6 discussion that is focused on -- relates to what's happening on the remote
7 device. So, whatever the user is perceiving, whatever the user is using.

8 So, if we go to Slide 50 for example, please. So here on the left we
9 have Darnell's system. And again, there's no dispute about the server system
10 itself and the database as part of the server system that's receiving all the
11 content data. And then a lot of the disclosures in Darnell actually then pivot
12 to what the user experience is from the remote device, which is 102 in
13 Darnell. And it starts talking about the feed reader UI and everything. But I
14 think one thing that's important to remember, is that everything that's in the
15 feed reader, everything that's ultimately presented to the user on the client
16 system, all of that is constructed, all that is built in the server itself.

17 The remote system, the client system, just like any well-known
18 system for retrieving a webpage is going to render whatever it receives from
19 the server. All that data, all that content is on the server. And so, I think it's
20 important to sort of recognize that there is disclosure in Darnell, and this
21 applies to Dasgupta as well. Both of what's happening at the server, but then
22 there tends to be a lot more disclosure about the interaction between the
23 client system and the server.

24 JUDGE REPKO: Yes. So, we know the servers is creating and
25 we know what the client's displaying, but what about the communication
26 between them? Is there a discussion about the protocol, about the timing of

1 the messages and things like that that send this information from the server
2 to the client and then from these feeds to the server?

3 MR. CARTER: There is discussion of that. And I think that a lot
4 of that is covered both in our briefing and also in the POR. I don't think that
5 we dispute sort of the process by which the -- sort of the fetch and retrieve
6 with respect to getting new content. But there is also, and I can pull it up in
7 a second, but there's also a discussion in Darnell. And I think we addressed
8 this in the context --

9 JUDGE REPKO: We're talking about streaming, right, and what
10 that means and what real time means. So, it is helpful to understand what's
11 going back and forth and when. And when I was looking at the briefing, I
12 didn't see any details, as much details as -- maybe I've overlooked
13 something. But I'd like to hear about what details actually support your point
14 about streaming in real time.

15 MR. CARTER: Absolutely. And so, the key is that the streaming
16 is what's going from the content to the server.

17 JUDGE REPKO: Yes.

18 MR. CARTER: Right, and so, it says, if we go back to the -- let's
19 go back to Slide -- what was that? Sorry, 49 I think, or Slide 48. That the
20 streaming itself is the fact that it expressly tells us in the context of the
21 system that the server, this module within the server is retrieving content as
22 it becomes available. As the content feeds are updated.

23 JUDGE REPKO: That's all we have is that 74, though. The feed
24 tracker module doesn't have any more description other than what you see in
25 74 about what the actual protocol is, what commands are sent.

26 MR. CARTER: So, I don't know that -- so first of all, there is

1 discussion I think in that the experts did discuss sort of what the protocol
2 would be for communicating between them, but at the end of the day, I'm
3 not sure it matters what the protocol is as long as the data itself from the
4 content source is getting to the server as it's updated.

5 JUDGE REPKO: Okay.

6 MR. CARTER: And I think the protocol discussion comes in
7 -- the dispute with respect to protocol actually relates to whether or not
8 webpages are being provided in Dasgupta's system, right? There's a whole
9 discussion of their disclosure of using HTTP protocol, for example.

10 JUDGE REPKO: Yes.

11 MR. CARTER: That's in the Dasgupta ground. With respect to
12 Darnell, there's no -- I don't believe that there is specific discussion of a
13 particular protocol being used to transfer the content from the sources to the
14 server. But I think what really matters is the fact that it's telling us that that
15 content is making its way to the server, to the feed tracker module as it's
16 being updated. As those content sources are being updated, it's being
17 transferred to the master server.

18 JUDGE REPKO: Okay.

19 JUDGE TROCK: Mr. Carter, let me ask you this.

20 MR. CARTER: Yes.

21 JUDGE TROCK: Is there a material difference between the level
22 of specificity about what the operation is in Darnell with respect to what's
23 disclosed in the '658 Patent as to how it operates?

24 MR. CARTER: A difference in the -- are we talking about with
25 respect to --

26 JUDGE TROCK: The level of specificity. Well, my colleague's

1 questions were, explain how is it that this content is being provided from the
2 source to the server? What communication is being used? What are the
3 details of that? Is that kind of detail disclosed in the '658 Patent?

4 MR. CARTER: I don't believe so, Your Honor. I think that much
5 like Darnell, the '658 Patent is focused on the architecture, and it doesn't
6 provide sort of any sort of low-level detail. Because I think all of that
7 would've been well within the knowledge of a person of ordinary skill in the
8 art at the time. The sort of protocol level discussion of how you would
9 transfer content from a source to a server, for example.

10 JUDGE TROCK: Okay. Thank you.

11 JUDGE REPKO: But the user requests, that is a big part of their
12 argument is what is the user interaction in relation to this feed tracker
13 module and how this gets it. Do you acknowledge that at all? The fact that
14 that does seem to be an issue, right?

15 MR. CARTER: I acknowledge it's a dispute, but I think that what
16 we're -- that loses sort of sight of the fact that's consistent with what my
17 colleague, Ms. Kaiser, was talking about. There are two different pieces to
18 claim limitation 1B. There's the real time streaming from the source to the
19 server, right?

20 JUDGE REPKO: Yes.

21 MR. CARTER: And the server constructs the webpage and it
22 organizes the webpage. All of that happens at the server. There's no user
23 interaction there, right? The user interaction component comes in when we
24 start talking about the programming by the master application of the remote
25 device to display a slide tool program.

26 That's the user interaction component. And so that is not what the

1 feed tracker module is doing. That's a different piece of Darnell's disclosure.
2 The feed tracker module is not involved with causing the remote device to
3 display a scroll bar. But there is disclosure of a scroll bar in Darnell, and
4 that's the disclosure of the user interaction piece, if that makes sense.

5 JUDGE REPKO: Okay. Proceed. Maybe your subsequent
6 discussion will help illuminate that.

7 MR. CARTER: Yes.

8 JUDGE REPKO: I'm interested in this request, response, and what
9 the actual user's doing to kind of help me understand their position a little
10 better.

11 MR. CARTER: Absolutely. So maybe if we go to Slide 53. So
12 now we're looking at what the user sees, right? So, in Darnell's system,
13 when the user logs in, the user's device renders the feed reader UI with all of
14 the information, all of the organization that's specified by the master server,
15 right? And so here is the user interaction piece.

16 We've got the scroll bar 320 on the right side. We have all of the
17 content that has been organized on the master server that has been sourced
18 from the content sources. So, this is the user interaction piece and consistent
19 with what my colleague just said, the scroll bar itself operates in real time.

20 And so far, as you scroll, it will scroll through this list that's been
21 presented. And there is disclosure in Darnell of what happens if -- so for
22 example, we've got sports headlines 1 through 11 in this particular feed
23 reader UI, Figure 3A. What happens when you scroll to sports headline 12
24 or 13?

25 There is disclosure in Darnell, sort of the fetch requirement, that I
26 think is discussed in the POR, in the reply about how it will then go get

1 more of the content that you wish to see.

2 JUDGE REPKO: It's driven by the user then, right? This is what
3 you're kind of suggesting here?

4 MR. CARTER: So, it's driven by the user to get more, right? So,
5 what is initially shown there on the feed reader at the user device when you
6 log in, it populates the feed that the master server will provide all of that
7 organized information to the user device as soon as you log in and pull up
8 the feed reader UI.

9 The only time in which a user has to request something is when
10 you scroll and it needs to get more information about, okay, let's see what
11 the sports headline 12 is or 13. That's the user interaction piece in Darnell.
12 It's talking specifically about what happens when you want to see more of
13 the content as opposed to if you want to see the content at all.

14 JUDGE REPKO: This seems very different than the feed tracker
15 actually getting the data and then immediately giving it to this feed reader UI
16 and it popping up in the UI, because here you're describing a user going
17 through and essentially requesting additional headlines rather than the feed
18 reader continually updating the data, and that data being refreshed exactly on
19 the screen. And as it's organized in real time on the user screen there, that
20 seems to be a distinction, right?

21 MR. CARTER: I think it's a distinction, but I think it's not one that
22 matters for purposes of the claim.

23 JUDGE REPKO: It's a claim construction argument.

24 MR. CARTER: Yes. I don't think that there's anything that
25 requires regular refreshing in the claim. So, for example, I don't know that
26 there's any claim language and I don't think it's even necessarily been

1 suggested by Patent Owner that in order for the system to meet the claim
2 limitations, you would have to have some sort of automated refreshing of
3 whatever is on your screen.

4 But I think there's a lot of discussion about sort of the fetch
5 structure, the fetch command. That only comes into play if you want to see
6 more than what your UI has rendered on the remote device.

7 JUDGE REPKO: So, where's the real time, I guess, because that's
8 just like any other application where you could -- the user is interacting with
9 the application in real time. It's updating the screen in the sense that the
10 controls are repositioned or the information is repositioned. But the real
11 time aspect seems -- the patent's getting at is the real time data stream from
12 point A to point B rather than just like the user's interaction is in real time.

13 MR. CARTER: I agree with that. And I think the Point A is the
14 content source and the Point B is the server, right? Claim 1, that I
15 completely agree with you that it is about a real time stream. That real time
16 stream is going from content source to server and then it is viewable.

17 It doesn't have to be displayed, but it is viewable, and you can log
18 in and see it, for example, using Darnell's feed reader UI. But that's, that's
19 sort of the real time streaming piece that I think you're referring to.

20 JUDGE REPKO: I think if you believe that, then the master
21 webpage then has to be constructed on the server then, right?

22 MR. CARTER: Which is what happens.

23 JUDGE REPKO: So then with respect to -- the only thing we
24 really care about with respect to the real time is the building of that webpage
25 on the server, under your view. It doesn't really matter what that user is
26 doing here, right? Like that's completely separate.

1 MR. CARTER: I think that's right. I think that the -- and that's
2 consistent with, for example, Claim 7 and Claim 12 of the '658 Patent, which
3 do make clear that the focus of what's happening with the webpage is that it
4 is constructed, and it's maintained at the master server.

5 JUDGE REPKO: Yes.

6 MR. CARTER: And so then ultimately whatever device you want
7 to log into using your phone, your laptop, what have you, it will render that.
8 Sure. But in terms of all the content being there, and the content being
9 organized in a particular way, that's part of the constructed piece.

10 JUDGE REPKO: I see.

11 MR. CARTER: That's happening at the master server.

12 JUDGE REPKO: So that feed reader UI or the feed reader is
13 going to get that data and then it's going to give it to that master server. The
14 master server is going to construct whatever you're seeing here at this feed
15 reader UI, it's going to be reflected also in that master webpage at the
16 servers. That's your position, essentially?

17 MR. CARTER: I'm saying that the master server already has all of
18 this information and it already knows exactly what order it's going to go in.

19 JUDGE REPKO: I see.

20 MR. CARTER: So, it's already organized there in the database
21 because if we go back and look at the -- for example, Slide 48, we have the
22 feed tracker module, but we actually have other databases here. So, for
23 example, the subscriptions database that keeps track of what feeds you as the
24 user have subscribed to and then the feed content database. All of that
25 information is used to organize the content that it's receiving in real time
26 from the sources. And then whenever a user wants to view any of the

1 personalized content that they've subscribed to, for example --

2 JUDGE REPKO: Right.

3 MR. CARTER: -- using a remote device, they will log in and the
4 server, the master server will provide that information to them to be rendered
5 on the remote device.

6 JUDGE REPKO: I see. So, there's probably some sort of template
7 or something on there saying, in these databases, all the information is there,
8 it's not on the client device that is going to -- for this master webpage you're
9 considering in Darnell?

10 MR. CARTER: That's right. And it's similar to if you use your
11 laptop to log onto espn.com, your laptop doesn't know what the structure of
12 the ESPN website is going to be until it's told by the server. It just says,
13 send me this resource, and then the server provides that.

14 And then the rendering of it on your laptop is based on the
15 instructions it receives from the server. It's a similar concept here. Server
16 provides the organization, it provides the content, and when it's -- when a
17 person happens to be viewing that content, then that person's device will
18 organize it based on how they're told to do it by the master server.

19 JUDGE REPKO: Thank you. I have no further questions on that.
20 You may proceed.

21 MR. CARTER: No problem. So, I only have a few more seconds.
22 And I want to reserve a good amount of time for rebuttal. I will just say that
23 a lot of what we've just been discussing similarly applies to the system in
24 Dasgupta. That's Ground 2. I think there is -- the one issue, and I may go
25 over here by just a minute, the one issue that I think is separate from the real
26 time aspect, the claim construction dispute with respect to Dasgupta, is

1 whether or not Dasgupta discloses webpages.

2 So, if we could quickly go to Slide 85. I'm sorry, let's go to Slide
3 87. So, there's no dispute that Dasgupta has a channel guide, right? There is
4 no dispute that the system on a remote viewing device includes this UI,
5 which is --

6 JUDGE REPKO: Just a moment. We're having issues with San
7 Jose.

8 MR. CARTER: Oh, okay. Sorry.

9 JUDGE REPKO: I'm just going to pause your time here until we
10 get San Jose back up.

11 MR. CARTER: Okay. Yes, absolutely.

12 JUDGE REPKO: Thank you. Okay, I'll resume.

13 MR. CARTER: I'm not sure, it looks like we cut off. Was that
14 with almost three minutes?

15 JUDGE REPKO: I thought that may have been synchronized, but
16 no, it looks like that's just paused up there. So --

17 MR. CARTER: I want to make sure to the extent that there were
18 any further questions with respect to Darnell. Judge Trock, if there's -- I
19 want to make sure that I answer those questions, and don't leave something
20 out.

21 JUDGE TROCK: No. We lost the last several minutes of -- if you
22 were continuing to argue with respect to Darnell and with the operation, the
23 user's operation, but we lost that entire piece. But I do have a question
24 relating to that issue, and that's to help my understanding of how this Claim
25 1, for example, would operate.

26 And I think this gets also to the question of when the user is at this

1 remote device and they have their computer turned on and they're operating
2 in the system, whether or not the user is -- I've heard the word here that
3 they're actually driving what's going on here.

4 And then I've also heard arguments that, well, it's the server, the
5 remote server that coordinates the streaming from the sources and builds this
6 master webpage and does the organization. So, I guess, my question is this,
7 what happens with respect to the context of this claim when the user isn't
8 there, or the user's remote computer is turned off? Does all this operation in
9 the background from the source to the master server, does that still continue
10 to go, or does the user have to be logged on and standing in front of a screen
11 in order for this whole system to be operating?

12 And the reason I ask that question is because it seems to me that
13 part of the dispute of what's going on here is who's driving this bus? Is it the
14 user standing in front of a turned-on computer with this scroll tool that is
15 asking for this content, and that's going all the way back to the source
16 material and it's being live streamed all the way down to the user's
17 computer? Is that what's going on here or is there something happening in
18 the background whether or not the user is even present or whether or not the
19 user's remote computer is even turned on? And is that master server in
20 connection with these sources, streaming this material as it becomes
21 available, constructing this webpage as Ms. Kaiser says, so that it's viewable
22 but not necessarily being viewed?

23 Because perhaps maybe there is no user standing there at the time,
24 but it's operating in the background. So that when the user does come up to
25 this remote device and does turn it on and does log in, now it gets it, now it's
26 being viewed. So that's my question. What's your position on how this is

1 going -- how this is operating, and how the '658 Patent describes its
2 operation?

3 MR. CARTER: So yes, I think it's a great question. So, I think
4 our view, if I'm understanding the question correctly, is sort of the second
5 option you posited, namely that the claim focuses, especially with respect to
6 the streaming of the real time content, that the claim is focused on what's
7 happening structurally in the system between content source and server,
8 right?

9 So that doesn't require a user to be looking at a webpage, that
10 happens in the background, right? So that content is going at it. Then
11 there's the additional piece of the master application has to then program the
12 slide tool, right? Sorry, the slide tool program. And that's what the master
13 application does.

14 So that's the piece that would implicate the user, right? So that's
15 separate from the streaming of the content from source to server. Separately
16 you now have the master application programming the slide tool program on
17 the remote device so that the user can then scroll through whatever that
18 content is that has been rendered on the remote device based on the
19 organization of the website on the server.

20 JUDGE TROCK: So that second piece is going to require a user,
21 it's going to require the remote device, the remote computer, it's going to
22 require that it be on, because it appears that it's got to get to the processor,
23 right?

24 MR. CARTER: So the --

25 JUDGE TROCK: Or the master application programs a processor
26 on the remote computer device. If that's turned off, how is it going to do any

1 of that?

2 MR. CARTER: Yes. So --

3 JUDGE TROCK: This --

4 MR. CARTER: Apologies.

5 JUDGE TROCK: This is complex, this 1B1, 1B2, 1B3, because I

6 see your point, your argument that there appears to be two different

7 operations that are going on here. There's an operation that goes from the

8 source to the master server and the construction of this viewable webpage.

9 And then there's a second part where there's a user standing at an

10 operating remote computer who wants to access this information in real

11 time. So, is that a legitimate understanding and interpretation of what's

12 going on in 1B1, 2, and 3?

13 MR. CARTER: So, I think it's close. I think that the whole point

14 of 1B3, so I agree with you on 1B1 and 1B2. With respect to the slide tool

15 program, the claim only requires the programming of the remote device for

16 displaying a slide tool program. It doesn't actually require a user to use it,

17 right? It just says it has to be programmed such that it can, it's capable of

18 scrolling and paging through stuff.

19 JUDGE TROCK: So let me interrupt.

20 MR. CARTER: Yes.

21 JUDGE TROCK: So that's the language that says the program is

22 for scrolling and for paging.

23 MR. CARTER: That's correct. Right.

24 JUDGE TROCK: So, it has to be a situation where it can be used,

25 it's not necessarily being used?

26 MR. CARTER: That's right.

1 JUDGE TROCK: Okay.

2 MR. CARTER: If there are no further questions, I might reserve
3 the time we have left for rebuttal.

4 JUDGE REPKO: I think you're about seven minutes into your
5 rebuttal time.

6 MR. CARTER: I'll keep as much as I can. Thank you very much.

7 JUDGE REPKO: Patent Owner, you may approach the podium
8 and just let me know how much time you plan to reserve for rebuttal.

9 MR. WYSS: So, I didn't prepare the audio visual slides. I did
10 bring handout demonstratives, but two of Your Honors aren't present, so
11 -- but I'm happy to give you one Judge Repko, if you --

12 JUDGE REPKO: I don't need that, but thank you.

13 MR. WYSS: But I will announce what slides I'm on. So --

14 JUDGE REPKO: We have a copy of the slides on our computers
15 so we're able to follow along. So as long as you're able to call out the slide
16 number and whatever exhibit you're discussing, that would be helpful for the
17 remote judges and myself.

18 MR. WYSS: Sure. So, I'll reserve 20 minutes for rebuttal.

19 JUDGE REPKO: Okay.

20 MR. WYSS: Good afternoon. May it please the Court. My
21 name's Nicholas Wyss, I'm here on behalf of the Patent Owner, Razdog
22 Holdings, LLC. I think Petitioner covered some of the basics on what the
23 dispute is. So, I will skip my first few slides. I'll start on Slide 3, which
24 shows the independent claims at issue.

25 It's '658 Claim 1, 7 and 12, and then '068 Claim 1. For the
26 purposes of my argument here today, similar to Petitioner, I will treat '658

1 Claim 1 and '068 Claim 1 as the same. So, what I want to highlight in this
2 slide is that real time is used in various places throughout the claims. '658
3 Claim 1 uses it twice, first streaming content in real time on a master web
4 page, and then secondly, it says scrolling and paging content in real time on
5 a master webpage.

6 Claim 7 is different, it says content streamed in real time to an
7 account belonging to the user. And then Claim 12, which is somewhat
8 similar to Claim 1B3, it says the user navigates through content through the
9 master webpage in real time. I wanted to address one point that Petitioner
10 made about agreement on the claim construction.

11 I think Petitioner is correct that their -- Petitioner's construction,
12 Patent Owner's proposed construction, and the majority's proposed
13 construction all did have a temporal component to them. But Patent Owner
14 does not agree with Petitioner's proposed construction, and it's not adopting
15 it.

16 And specifically with respect to this hearing, we don't agree with
17 their, at the server, that component of their construction. So, I'm on Slide 6
18 now. So, Petitioner's argument says that real time means content is streamed
19 to a master server from its respective sources as soon as it becomes
20 available. And again, it said to the master server. We don't dispute that
21 content is streamed to a master server, but our position is that it's insufficient
22 to satisfy the claim that content be streamed only to a master server and not
23 appear on the webpage or not have any user facing interaction with respect
24 to Claim 7 and 12.

25 So, I'm on Slide 7 now. Petitioner's reading says, content reaches
26 the server when it's available, but after that Petitioner's position is that a user

1 can just access that content at some later time so that the content would be
2 stale in a sense.

3 And that Petitioner's still believes that that satisfies the claim
4 language. Patent Owner's reading is that the content is streamed to a master
5 server, and that that same content is navigated or scrolled in real time on the
6 master webpage.

7 JUDGE TROCK: So, Counsel, this is Judge Trock.

8 MR. WYSS: Yes, Your Honor.

9 JUDGE TROCK: When you were describing Petitioner's reading,
10 you said, you made a comment, it would be stale in some sense. What do
11 you mean by that? What would be stale about it?

12 MR. WYSS: So, if you take Darnell, for example, Darnell -- here
13 let me go to my Darnell slide so I can --

14 JUDGE TROCK: No, I don't necessarily want to go to the prior
15 art, I want to stick with the claim.

16 MR. WYSS: Right. So --

17 JUDGE TROCK: This is their reading of Claim 1.

18 MR. WYSS: Correct.

19 JUDGE TROCK: You said that because of this reading, the
20 content would be stale?

21 MR. WYSS: Right. So --

22 JUDGE TROCK: And why would it be stale based upon this
23 claim language and this reading?

24 MR. WYSS: So, the content that the user that would be available
25 for scrolling could be stale. So, Petitioner's reading is that as long as there's
26 a stream going from the sources on -- the content sources on the internet to

1 the master server, that content can then get stored on the master server, and
2 then the user could come in 10, 15 minutes, an hour later and then access
3 and scroll that stored content. That it's not real time anymore, it's old
4 content, but they're scrolling it. So, Petitioner would say that that satisfies
5 the claim.

6 JUDGE TROCK: Well, why wouldn't it be real time?

7 MR. WYSS: It's not real time because it's -- well, it's not matching
8 with the human perception of time, right? It's stored content that's no longer
9 consistent with the perception of time from the content source.

10 JUDGE TROCK: Well, how would the user know that? This is
11 why I'm confounded by this position you have that somehow rather the user
12 would understand that it's stale because of their experience. And I don't
13 under -- I don't quite comprehend that argument.

14 MR. WYSS: I understand. So, I don't think the user has to
15 understand that it's stale.

16 JUDGE TROCK: But isn't that the human perception part that you
17 just talked about? Isn't that the user experience?

18 MR. WYSS: Well, the user experience of the stream, of the
19 streamed content needs to be consistent with the same timeframe from the
20 source of the stream.

21 JUDGE TROCK: Right. So, it sounds like to me your argument
22 really is about comparing what's stored to what's available at the source, not
23 necessarily what the user experiences. How would the user know based
24 upon its experience that what it's looking at is stale?

25 So, it sounds to me like your argument really is, let's compare
26 what's on the server, the master server with what's available at the source.

1 And because it was stored at the master server, it's now old news because
2 there's something more updated at the source. Isn't that what you're arguing?

3 MR. WYSS: It's a slight modification. I would say we're arguing
4 that, let's compare what's on the webpage with the source. And the reason
5 that Petitioner's reading doesn't work is because what's on the webpage, if
6 there's a storage happening on the server, then what's on the webpage is not
7 the same as what's at the source.

8 JUDGE TROCK: Well, I guess that might be true if it were
9 constructed in different times. But I thought Petitioner's argument was that
10 it's being streamed from the source when it becomes available, and it's being
11 used by the server to construct the webpage. So, where's the staleness?

12 MR. WYSS: So now we're talking about Darnell because that's a
13 disclosure from Darnell. So what Darnell discloses is that the Darnell server
14 receives updates when they become available. So, at the moment, that
15 Darnell receives the update, that update is new at that moment. But the issue
16 with Darnell is it then takes that updated data, it merges it with previously
17 stored data, so then it becomes, there's a new data set, right? It's the new
18 updated data plus the old data together stuck and stored on the server. And
19 then that data doesn't even go to the user immediately.

20 It just sits there on the server until the remote computer requests
21 the data. At which point the remote computer receives a snapshot of the way
22 that the server appears at that time, which is it included some more recent
23 data, some older data, and then that snapshot -- excuse me, then that
24 snapshot just sits on the remote computer on Darnell. And it doesn't update
25 itself. It just sits there static, a snapshot of what the server was stored at the
26 moment of the request.

1 JUDGE TROCK: So, it's waiting to access the data, to view the
2 data, right? And so how is that different from your construction?

3 MR. WYSS: So, in Patent Owner's construction, what's being
4 viewed on the remote computer or what's being scrolled or navigated or
5 accessed on the user account is a real time stream of the content from the
6 content source on the internet.

7 JUDGE TROCK: So, what you're describing is a live stream all
8 the way back to the source? You're going past the master server, all the way
9 to the sources from the user?

10 MR. WYSS: Correct. Although I wouldn't say --

11 JUDGE TROCK: Your construction, it's a live stream --

12 MR. WYSS: Yes, I wouldn't --

13 JUDGE TROCK: -- finding sources directly through, passing
14 through the master server all the way to the user without any delay, without
15 any perceived delay? Is that your argument?

16 MR. WYSS: That's right. Although I wouldn't say livestream, I
17 would say real time stream, which is what the claim language says. We --

18 JUDGE TROCK: Well, okay, let's see if we can reach agreement.
19 No perceptible delay from the user. If it's available from the source, the user
20 gets to see it.

21 MR. WYSS: I don't, so --

22 JUDGE TROCK: And there's no store -- and the second part here
23 is the other part that confuses me, is it sounds like from your perspective,
24 there can be no storage whatsoever because somehow or other that would
25 cause it to be either stale or not real time.

26 MR. WYSS: Okay. So there, there's two parts there. So, the first

1 part, can there be a delay? Under Patent Owner's construction, yes, there
2 could be a delay. It could be a slight -- because the patent's construction is
3 matching the human perception of time or proceeding at approximately the
4 same rate as a physical or external process. Petitioner mentioned, if there's a
5 buffer, there's a two second delay or something like that because of a buffer,
6 I wouldn't say that that's precluded here.

7 JUDGE TROCK: So how much of a delay is acceptable in your
8 view?

9 MR. WYSS: Yes, so I don't have a position on that. I don't think
10 that the amount of the delay is at dispute here, but I would want to check
11 with an expert on what amount of delay is acceptable for a real time stream.
12 But I'm sorry, I can't take a position on that today. But I would say that our
13 position is certainly not that there's absolutely no delay because there's
14 necessarily some delays as information's transmitted through the internet.

15 And then the second part of your question, I'm sorry, what was it?
16 It was -- I can't remember it now. I'm sorry. But I have an answer for it.

17 JUDGE TROCK: Part of my question was trying to understand
18 your position. And am I correct in understanding that you're essentially
19 arguing a live stream from the source to the user through the master server?

20 MR. WYSS: Right.

21 JUDGE TROCK: So, when the user is using this scrolling tool, it's
22 essentially reaching back all the way to the source, and there's no perceptible
23 delay that the user can see. And the second part is there's no storage because
24 this is the other --

25 MR. WYSS: Right. Right. It was storage. That's right.

26 JUDGE TROCK: -- dispute that seems to be going on here

1 between Petitioner and Patent Owner, that I believe, and correct me if I'm
2 wrong, that from your position, storage creates staleness, which is not real
3 time?

4 MR. WYSS: Right. So on --

5 JUDGE TROCK: And I don't want to put words in your mouth, so
6 correct me if I'm wrong, some delay, some small delay, is acceptable from
7 your point of view, but storage is not?

8 MR. WYSS: I would say that's incorrect. The claims don't
9 preclude storage. Storage naturally happens as things are transmitted
10 through the internet. Something could be stored contemporaneously along
11 with the live stream being presented some, a buffer. An internet buffer
12 implies that storage is happening.

13 So, I don't think that the claims preclude storage, but the claims
14 require real time streaming.

15 Okay. So --

16 MR. WYSS: I don't believe that Darnell discloses real time
17 streaming with the merge store retrieve architecture.

18 JUDGE TROCK: So just to encapsulate where we're at, it's your
19 position that Claim 1, for example, does not preclude storage. It does not
20 preclude some minimal delay, but I believe your argument is that when you
21 start applying Darnell, that's where the problem arises, is that correct?

22 MR. WYSS: Correct.

23 JUDGE TROCK: Okay. Thank you.

24 JUDGE REPKO: I have a follow up to that question.

25 MR. WYSS: Sure.

26 JUDGE REPKO: Because it's Darnell, how it works is important

1 to me. So, I kind of want to get a little --

2 MR. WYSS: Sure.

3 JUDGE REPKO: I get your view on that. And so, the Darnell at
4 the server, they were telling us how it's constructing this master webpage
5 sort of in real time as it's getting this new data in from this feed tracker. Is
6 that your understanding of how Darnell works, essentially constructing the
7 webpage at the server in real time?

8 MR. WYSS: I don't agree. So, I did hear Counsel for Petitioner
9 say something that Darnell discloses receiving contents as they are updated,
10 and that means that it's receiving content items constantly. I don't think
11 that's true, because unless Darnell was disclosing that it's updating
12 constantly, that doesn't mean it's not receiving content items constantly. So,
13 I don't think it's correct to say that Darnell discloses, content items are being
14 updated constantly. It's just -- it's updated when updates are available. So,
15 Darnell has an intermittent update system.

16 If the server sits there when there's a new piece of data out there on
17 the internet, Darnell server will update it, merge it, and store it. So, merges
18 it with the old data, the old list, it's a new list item, adds the new list item,
19 stores it, and then it sits there until the user computer requests to pull the list.
20 And at that point, the user computer receives a snapshot of the list at that
21 point in time as it appeared on the server at the time of the request.

22 JUDGE REPKO: Well, let's put the user aside for a moment, just
23 focus on what the server's doing. Because when I'm thinking about the
24 organization in real time, it's synthesizing the data, integrating the new
25 updates in real time. Do you agree with that view of how Darnell works?
26 The organization of the content is done in real time?

1 MR. WYSS: I don't believe that the updates are happening in real
2 time either. Because again -- so when Darnell first requests the first list, it
3 gets a static, a snapshot of the way the list appeared on the server. That
4 snapshot stays there static. When you try to scroll, it will request from the
5 server further items down the list. It doesn't request, hey, update these first
6 10 items. It just says give me item 11 or item 12 or item 13.

7 JUDGE REPKO: So, Counsel practitioner said that, well, the idea
8 here is that they're going to create, construct this master webpage and then
9 send it to the client in its entirety. And that it's actually updating at the
10 server and then sending the entire page. You'd have to refresh the entire
11 thing, wouldn't you?

12 Or you're thinking that -- or they're just sending the new items to
13 the client and the client will then incorporate the new items in the webpage.
14 Those are two different maybe views of Darnell.

15 MR. WYSS: Yes, I think the second view is the correct view of
16 Darnell. Technically, I think you probably could refresh the entire webpage
17 on Darnell manually and re-pull the first 10 listings again if you wanted to
18 do that. But again, then you just get a new snapshot of the server at that
19 point in time. But I think that the scrolling tool in Darnell doesn't refresh the
20 first 10 items, I think it just calls additional items.

21 JUDGE REPKO: So, your view is that the user is actually
22 controlling what's being downloaded. So, they're scrolling and then they're
23 getting the additional items for that list from the server? And only those
24 items, those new items, not the old ones? The old ones sort of just stay at
25 -- the data's not remitted in a way?

26 MR. WYSS: Correct. And I'm on Slide 27. It's got the quote

1 from Darnell here. It says, this action by the user will prompt client
2 computer 400 to fetch from server computer 500 an additional set of items
3 corresponding to the specified strings. It's an additional set. It's the new
4 items, it does not refresh the old items, it's give me a new set of items, i.e.
5 tell me if there's -- the way Darnell is set up, it's like, it's sports headlines.
6 So, you got 10 sports headlines, but I want to know, is there -- show me
7 sports headlines 11 through 15 now, give me those five. And that's what
8 you're requesting from Darnell, and then Darnell server will serve up that
9 snapshot of those next five headlines. I don't understand Darnell to say that
10 scrolling refreshes the entire list.

11 JUDGE REPKO: It refreshes the entire list, but actually the
12 webpage that's being sent to reflect that change is either the entire webpage
13 or just the change. It kind of goes to the underlying operation of Darnell,
14 doesn't it? Is there anything specific in Darnell that supports your view that
15 it's only sending those two items when it's refreshing the webpage that the
16 user sees?

17 MR. WYSS: Yes, I don't think Darnell provides a lot of clarity on
18 this, but the best thing I can show you is that citation that I just said where it
19 says, prompt client computer to fetch an additional set of content items, not
20 to fetch the same content items that you've been looking at and refresh them.

21 JUDGE REPKO: Okay.

22 MR. WYSS: But it's an additional set suggesting it's a separate
23 distinct set of content items.

24 JUDGE REPKO: Okay, thank you. I have no for that question on
25 that.

26 MR. WYSS: Okay.

1 JUDGE REPKO: Judge Trock, I believe he had something.

2 JUDGE TROCK: Yes, I had a question. I had a question, and this
3 is, I guess, on the server side. So how are you interpreting Paragraph 74 of
4 Darnell that Petitioner pointed to? Paragraph 74 says, and this has to do
5 with the feed tracker module that my colleague was asking you about, it says
6 the feed tracker module 516 for retrieving content items as content feeds are
7 updated. So, these are content feeds, this is not a request from the user.
8 How are you interpreting that operation?

9 MR. WYSS: Yes. So, this is the Darnell server, and it doesn't -- I
10 don't know how it knows that it -- there are updates, but it just says that it
11 will receive updates when they're updated. So, the content feeds are out
12 there on the internet, sources on the internet. And Darnell discloses the
13 functionality that when those content feeds are updated, when there's a new
14 item at those content feeds, Darnell's server will update and it will retrieve or
15 receive that new content item. But I don't --

16 JUDGE TROCK: So --

17 MR. WYSS: Go ahead.

18 JUDGE TROCK: Go ahead.

19 MR. WYSS: I don't think that that's a real time stream. It's like an
20 intermittent update process that happens when updates are available.

21 JUDGE TROCK: Well, if there's nothing to update, then why
22 would you need it? If it's the same information, why would you need it?

23 MR. WYSS: You might not need it, but you --

24 JUDGE TROCK: So how is that -- so this is my question, like this
25 construct of the word, real time, are you suggesting this is an ongoing
26 continuous live stream feed from the content sources to the master server?

1 Is that your interpretation of what this means in Claim 1?

2 MR. WYSS: Well, again, the livestream, I think that there could
3 -- there's not been a construction of livestream. I think there could be some
4 disagreement about what livestream means, but it is a --

5 JUDGE TROCK: Okay, well, then I'll just use the words in the
6 -- that you guys want to -- are debating here, a real time stream.

7 MR. WYSS: Yes, it's a --

8 JUDGE TROCK: Whatever that happens to be, is it your position
9 that in order to satisfy Claim 1, that master server has to be continuously
10 receiving content from these sources without interruption, regardless of
11 whether or not there's any new information from the source?

12 MR. WYSS: Yes. Yes. It has to be receiving the content items,
13 even if there's no new information. So, for example, if I was -- if the content
14 application was an email program, for example, I can -- if I have a real time
15 stream of my email program, I can sit there and look at my email inbox, and
16 it will be static unless and until a new email comes in, and it will pop up.

17 I'll receive it, I'll see it because I'm watching a real time stream of
18 my email application. But before that email comes in, it will appear at least
19 to be static. It's actually not static because there's a real time stream of data
20 coming, but it appears static.

21 JUDGE TROCK: Right. Okay. So, then Paragraph 74, your
22 suggestion was, well, maybe the content feed just goes periodically every
23 once in a while. Well, what about if it's -- as the content feeds are updated,
24 what about if that update happens every 10 milliseconds?

25 MR. WYSS: Right. So --

26 JUDGE TROCK: Does that satisfy real time?

1 MR. WYSS: If the content feed was updated constantly, then it
2 would satisfy?

3 JUDGE TROCK: Well, I didn't say constantly, I said every 10
4 milliseconds.

5 MR. WYSS: Okay. So, I guess, I would probably have to check
6 with the technical expert if every 10 milliseconds would satisfy it. It seems
7 to me it probably would but again, that would only satisfy the real time --

8 JUDGE TROCK: The problem we have here is this is a legal
9 construct, real time, not necessarily a technical one where we go and talk to
10 a technical expert. This has got to be something that's understood by a
11 person of ordinary skill in the art. So, I'm asking the question because you
12 argued that that content feed could be periodic once a week.

13 And then you argued that, well, even if there's no new information,
14 it's got to go and do it constantly. And so, I'm asking the question, well,
15 what about if it was periodic and the period was small?

16 MR. WYSS: Right. So yes, if --

17 JUDGE TROCK: Does that satisfy your interpretation?

18 MR. WYSS: If the --

19 JUDGE TROCK: And you can see where this argument's going,
20 because once you agree that 10 milliseconds is okay, well then, I'm going to
21 ask for 100 milliseconds or 1,000, and I'm going to ask you where do we
22 draw the line on what is real time and what is not?

23 MR. WYSS: Yes, I understand.

24 JUDGE TROCK: Yes. Where would someone of ordinary skill in
25 the art figure out where that line sits based upon your argument of
26 continuously?

1 MR. WYSS: Yes, I understand. And I don't think that that's in the
2 Papers as to where the line, where the temporal line of real time ends and not
3 real time begins. So, I don't have an answer for that. I would say that I
4 think Darnell still doesn't meet it because of a few things.

5 One, Darnell doesn't disclose updating every 10 milliseconds or
6 constantly, it just says periodically. So, I don't think Darnell has that
7 disclosure, even if it technically were possible for Darnell to do that. And
8 then two, Darnell has the merge store thing.

9 So, it's always taking old data and merging it with new data, and
10 then storing that. Old plus new combined can't match the human perception
11 of time, which is always just content as it is now. So, I would still say
12 Darnell has those two issues.

13 JUDGE TROCK: So let me stop you right there. Why not?

14 MR. WYSS: Okay. So, if a headline comes out at 2:52 p.m., and
15 then another headline comes out at 2:55 p.m., they're three minutes apart.
16 So, if I was perceiving those in real time, I'd perceive them three minutes
17 apart, but in Darnell, I would request them once I would receive them --

18 JUDGE REPKO: Just a moment. I think we lost San Jose. It
19 looks like he's frozen. Take a moment for a tech support. I've paused your
20 time here when we noticed that.

21 MR. WYSS: I saw some movement. Yes.

22 JUDGE REPKO: Okay. Are you back online San Jose? We can't
23 hear you.

24 JUDGE TROCK: I can hear you. I don't know if you can hear me
25 yet.

26 JUDGE REPKO: Okay. I'm going to restart the clock.

1 MR. WYSS: Okay. Okay. I was talking about --

2 JUDGE TROCK: So, Counsel, can you hear me?

3 MR. WYSS: Yes.

4 JUDGE TROCK: Okay, great. So, I just wanted to go back here
5 and talk about this understanding of what real time is, and the dispute
6 between the two sides. Because at the end of the day, our job here is to
7 come up with a construction that's going to be sufficient for someone of
8 ordinary skill in the art to understand this claim with respect to the
9 specification and the file history and the claim language itself that's going to
10 work.

11 And so, when we have these arguments that are pulling at the
12 different ideas of what real time is this question about what is the length of
13 the time comes into play. And this question about what is human perception
14 comes into play. And I think what we were discussing was, how fast are
15 these computers? And are they able -- because your argument was, well,
16 you can't take new data and merge it with old data, and then provide that to
17 the user because that would no longer be -- that would no longer meet
18 human perception. Well, what if that happens in 10 milliseconds? Do you
19 disagree that computers are really fast, much faster than what human beings
20 can perceive? And that this kind of an operation of going back to a source
21 and getting an update, and then merging that with a prior storage, and then
22 feeding it to a user, are you telling me that it's your argument and your
23 position that that cannot happen below the level of human perception?

24 MR. WYSS: So, I think there's two points here. One part --

25 JUDGE TROCK: I'm just going to get one more thing and I will
26 let you go. And if that is your position, please point to me where in the

1 evidence here that that's supported, and that it's not just attorney argument.

2 MR. WYSS: Okay. So, I think there's two points. One is, I think
3 you're asking with respect to real time, like what would constitute a
4 significant delay versus a non-significant delay, like significant enough to
5 make it not real time. And then the second point I think you're asking is
6 about this human perception point, which I think is a slightly different point.
7 So, I'll address that one first.

8 So, if two sports headlines in Darnell came out 10 milliseconds
9 apart, and then they got merged and then got shown to the user, the user
10 might not be able to perceive that delay because they're 10 seconds apart and
11 it's 10 milliseconds apart. And it's such a small amount of time that the user
12 can't see the delay. But if the two articles came out 10 minutes apart, and
13 then when the user sees them, they get presented to the user at the same
14 moment, even though they were published 10 minutes apart, that is not
15 matching with the human perception of time in the same way that like
16 watching something in slow motion isn't matching with the human
17 perception of time.

18 So, I think there's two parts about the time. One, does it match the
19 human perception? Like is it flowing, is time flowing in the same manner as
20 a human would perceive it? And then two, there's a question of how much is
21 the delay? What's the delay here?

22 So as to evidence of what real time means, I think the patent relies
23 on -- it just says real time streaming. And so, we would interpret it through
24 the lens of the POSITA. Dr. Edwards has some testimony about real time
25 streaming. So that's on Pages 39 to 42 of the Patent Owner response.

26 So, on 42 -- I'm sorry, I'm kind of just trying to get your answer

1 here as I'm reading through the record. I know there's a discussion of this.
2 Oh, yes. So, they're on Page 38 of the Patent Owner response. It says, a
3 POSITA would appreciate that streaming in real time in the context of the
4 patent means incremental transfer with continuous rendering.

5 Data segments arrive and the page updates as those segments
6 arrive. So, the user perceives a live uninterrupted flow, a system that must
7 first complete a feed item, merge it into a database, and only then make it
8 available upon later client request like Darnell's system is not streaming to
9 the user in real time.

10 So, I don't think the patent defines real time in terms of length of
11 time, but I think Dr. Edwards is extrinsic evidence as to the meaning of it.
12 And there is -- he likely said some other things, but I would say that that part
13 on Page 38 is the best place I can point you to right now.

14 JUDGE TROCK: Okay. Thank you.

15 MR. WYSS: Okay. Let me get back to my slides. So, I think
16 we've discussed Darnell and why Patent Owner does not believe it is
17 Darnell's asynchronous, Darnell merges stores and then displays on request,
18 the scrolling in Darnell only still requests a snapshot of what's stored on the
19 server at that moment. With respect to Claim 12, I'm on Slide 32 here.

20 JUDGE TROCK: Counsel, not to interrupt you, but I wanted to
21 clarify because we asked Petitioner's Counsel this question, I'll ask you. Is
22 storage precluded by Claim 1?

23 MR. WYSS: No, it's not. So, Claim 1 doesn't preclude storing.
24 Storing could occur in the context of buffering. Storing could also occur just
25 contemporaneously with real time streaming. Like you could stream
26 something in real time and then store it at the same time so that someone

1 else could later stream it and not in real time.

2 If a system wanted to do that, it could be. So, I don't think that the
3 claim precludes it, but I just think that Darnell's version of merge, store,
4 retrieve on request doesn't fit the definition of real time.

5 JUDGE TROCK: Okay. Thank you.

6 MR. WYSS: So, I guess I'll move to Dasgupta, unless there's any
7 more questions about Darnell. So, I'm on Slide number 35. This is about
8 what Dasgupta actually discloses. Dasgupta is a set top box channel guide
9 graphical user interface. It consists of a delivery subsystem and access
10 subsystem and a provider subsystem.

11 What Dasgupta says is, it says the system may generate and launch
12 a GUI for display to a user, and the GUI may include a graphical
13 representation of a channel guide, and one or more graphical representations
14 of one or more advertisements displayed together with channel guide 702 in
15 GUI 700.

16 And that the channel guide may include a two-dimensional matrix
17 view of a plurality of channel icons, which are associated with a plurality of
18 media channel. So Dasgupta is, it's like a TV guide channel on a set top
19 box. What you see is a variety of channel icons, and those icons presumably
20 correspond to TV channels like HBO is one that's given, for example, might
21 be ABC, NBC, Discovery channel.

22 And then you can also see advertisements. Then, I'm on the right-
23 hand column there, it says, in addition to being associated with the media
24 content channel, each channel icon and channel guide 702 may be associated
25 with and configured to function as a launching point for an interactive portal
26 associated with the corresponding media content channel.

1 So, from the Dasgupta TV guide channel, if you click on one of the
2 channel icons or you select the channel icon, that icon acts as a portal, and at
3 that point it requests and starts bringing you that channel. So, you tune into
4 HBO, for example.

5 So, the issues with Petitioner's reading of Dasgupta onto the claims
6 here, is that what Petitioner wants to point to for the real time streaming is
7 the content of the channels themselves. But what Petitioner wants to point
8 to for the organizing or the scrolling is the channel icons and the
9 advertisements.

10 Dasgupta doesn't disclose that the icons themselves or the
11 advertisements are real time streamed from more than one source out on the
12 internet into the master server and then presented to the master webpage or
13 even to the master server. What Dasgupta discloses is that the channels can
14 be streamed from independent sources.

15 And if you click on one of the icons, you can view that channel.
16 But there's no disclosure that the icons themselves or the advertisements are
17 being streamed in real time, simultaneously from their sources out on the
18 internet. And that's the big problem with the Dasgupta reference.

19 So, the second problem is that Dasgupta doesn't disclose a master
20 webpage. This is something that the dissent pointed out in the institution
21 decision. Dasgupta just discloses that the communication occurs via HTTP.
22 It doesn't disclose in the master webpage. HTTP does not necessarily mean
23 that a master webpage is being transmitted. And so that's sort of the end of
24 that. Like just saying that Dasgupta has HTTP is insufficient to show that
25 Dasgupta discloses a master webpage. I'm on Slide 38 now.

26 In the petition, Petitioner's position on Dasgupta was that a

1 POSITA would've understood that subsystem 202 sends webpages to
2 subsystem 204 using HTTP, and that as explained above, POSITAs
3 would've understood Dasgupta discloses transmitting the channel guide as a
4 webpage from subsystem 202 to subsystem 204.

5 So that's an inherency argument. And then in the reply, Petitioner
6 switched it to an obviousness argument and said, Petitioner is not relying on
7 inherency, rather, the petition explains that it would've been obvious to use a
8 webpage as Dasgupta's channel guide. That's a new argument, and we don't
9 think that it should be allowed as we argued in the Patent Owner response.
10 There's a few other points I wanted to hit on.

11 JUDGE REPKO: So, going back to these subsystems 202 and
12 204, what is the nature of these subsystems that makes it not likely that it's a
13 webpage that's being transmitted?

14 MR. WYSS: Well, that makes it likely that it's not a webpage?
15 Well, I would say it's Petitioner's burden to show that there is a master
16 webpage. Dasgupta discloses a set top box. There's a graphical user
17 interface, it's that. I think Petitioner would need to show that somehow
18 graphical user interfaces are necessarily webpages or master webpages. But
19 Dasgupta doesn't show that, and Petitioner didn't show that. So, I think
20 that's where our argument is there.

21 JUDGE REPKO: Okay.

22 MR. WYSS: So, there's a few points that Petitioner made, which I
23 wanted to go through. Yes, there was some discussion about a master
24 webpage needing to be rendered, and I think maybe that would suggest that
25 even if Patent Owner's reading of the claim element 1B2 was correct, and
26 that the servers on a -- sorry, the clause streamed to the master server

1 simultaneously in real time from their respective servers on a master
2 webpage means that the real time stream is going to the master webpage.

3 The Petitioner was saying something about, well, it could go to the
4 master webpage and be rendered there but if the viewer can't see it that that's
5 still might satisfy it. I think that's a new argument. I don't recall that being
6 in the papers at all, anything about things being rendered on web pages,
7 satisfying the claims, even if the user is not there. So, I would object to that
8 argument.

9 JUDGE TROCK: Counsel, I think that was in response to a
10 question I had.

11 MR. WYSS: Okay, fair enough. I just don't think that was in the
12 Papers. If there's some way to satisfy the claims due to things being
13 rendered on webpages where the remote computer's not on, I don't think that
14 -- I just think that's a new argument, so I do object to it. So, I wanted to talk
15 about the parsing of the claim.

16 I'm on Slide 13. So, Petitioner's parsing and Judge Repko, you
17 think you discussed it with Counselor for Petitioner. The issue with their
18 parsing is that they switch antecedents back and forth as the claim
19 progresses. So, they've got a master application, they say it's stored in the
20 memory of the master server. It executes on the process of the master
21 server, and it includes software coded for organizing content data and
22 content applications. That parsing and Patent Owner's parsing up to this part
23 we're in agreement. Then the next part comes out.

24 It says content data and content applications from content sources
25 or service providers preselected by the user and streamed to the master
26 service simultaneously in real time from their respective servers. That

1 whole part right there, we still agree. That part modifies content, data and
2 content applications.

3 But then the next part we disagree. Now, it says on a master
4 webpage. Petitioner says, now, even though it was, it was referring to
5 content data and content applications, now the antecedents going to switch,
6 and on a master webpage is referring to organizing.

7 And then the very next clause, which is and/or viewable from the
8 remote computer, they say the antecedent switches back the other direction
9 now, and now it's referring to the content data and content applications.
10 That's just grammatically very awkward, and they haven't provided any
11 explanation for why it should be read that way grammatically, it's
12 completely unnatural.

13 And there doesn't appear to be an explanation, other one that aligns
14 better with their invalidity arguments. Patent Owner's interpretation is that
15 all the clauses that follow content data and content applications up to and are
16 viewable, are modifying content data and content applications.

17 So, it's from multiple content sources, they're streamed to the
18 master service simultaneously in real time. They're on a master webpage,
19 and they're viewable from the remote computer devices. I think that's the
20 natural reading, and I think that's the correct reading.

21 JUDGE REPKO: So, I just want to clarify, so on the master
22 webpage here, you're talking about streamed on a master webpage?

23 MR. WYSS: The content data and content application that's being
24 streamed in real time is on a master webpage.

25 JUDGE REPKO: The streaming is occurring on the master
26 webpage.

1 MR. WYSS: The content data is being streamed to the master
2 webpage. So, the streaming is occurring like from the source through the
3 server to the webpage. So, the content data, the streamed content data is on
4 the master webpage. I don't want to suggest that the master webpage itself is
5 streaming. It's part of the stream. Does that make sense?

6 JUDGE REPKO: Webpage is part of the stream. I mean, their
7 reading is that, like you said, organizing on a master webpage. Your reading
8 is . . . ? I'm still not clear.

9 MR. WYSS: Yes. So, I think what just parsing is that, on a master
10 webpage, so they're saying you organize content data on a master webpage.

11 JUDGE REPKO: And yes, content data applications on a web
12 page.

13 MR. WYSS: So, they're saying it's organizing and we're saying,
14 no, no, no, the content applications are the things that are on the master
15 webpage. Not just the organizing happening, but the content data
16 applications that are being streamed in real time are on the master webpage.

17 JUDGE REPKO: And viewable on the master webpage.

18 MR. WYSS: And they're also viewable on the master webpage.
19 Correct.

20 JUDGE REPKO: So, isn't that just redundant? Like how is it
21 -- why say that twice? What's the distinction there? So, they're viewable on
22 the master webpage. Why do you need to say that then?

23 MR. WYSS: Well, the difference here is because, Petitioner's
24 argument is that by taking on a master webpage out of that clause and
25 attaching it to organizing, then what's appearing on the master webpage
26 doesn't have to be real time stream anymore. It can just be stored data.

1 JUDGE REPKO: Right. But in your interpretation, viewable on a
2 master webpage, does that add to the claim, to the rest of it?

3 MR. WYSS: So, it adds that it's viewable from the remote
4 computer. So, the remote computer is what's accessing the master webpage.
5 So, the stream is going through to the master webpage, it's sitting -- the
6 master webpage though is present on the server, right? It's not on the remote
7 computer, it's on the server.

8 The remote computer accesses the server via this master server. It
9 views the master webpage. So, the last clause there is clarifying that the
10 master webpage, it's not just a master webpage receiving something
11 somewhere on the internet, the master webpage is viewable from the remote
12 computer. So that's the element that pulls in the remote computer.

13 JUDGE REPKO: It adds on the remote computer that -- but then
14 you say again on the master webpage, seems a little redundant though, right?
15 Like why do you need to say on the master webpage, even in that clause, if
16 it's the way you view the other --

17 MR. WYSS: It is a little redundant and I don't disagree with that,
18 but I think that Patent Owner's interpretation is still the more correct one
19 rather than the antecedent switching back and forth version that's
20 grammatically awkward. I would just follow up with that. So, we didn't go
21 through my prior claim construction slides.

22 So even if the Board were to agree that the 1B2 parsing in
23 particular was limited to real time streaming to the master server, the other
24 uses of real time that come up in the claims don't have that limitation. So,
25 on Claim 12, the claim says, wherein a user navigates through the content
26 data or content applications from the multiple content services or service

1 providers through master webpage in real time from the remote computer.

2 So, the user is navigating through the master webpage in real time
3 from the remote computer. This is user facing, that's Patent Owner's
4 position. The user is navigating the content in real time. And Petitioner's
5 position on this is that the content here isn't what's in real time, it's the user's
6 navigation that's happening in real time.

7 And that's going to -- that comes up again because that same
8 argument they make with respect to 1B3, which says, scrolling or paging
9 through content data or content applications in real time from the master
10 webpage. And I'm on Slide 16 now.

11 So, I want to point out that claim terms are normally used
12 consistently throughout the patent, that's from Phillips. So, under
13 Petitioner's reading, the first instance of real time appearing in Claim 1, and
14 they say here, POSITAs would have understood real time in the context of
15 the intrinsic records to include content from more than one source that's sent
16 to the server as it becomes available.

17 So, they're saying real time here is a characteristic of the content.
18 Then in the second instance they say, that instance of real time addresses the
19 slide tool, not the characteristics of the content data or content applications.
20 And Petitioner's expert says, you're scrolling through the content in real time
21 no matter what the content is.

22 So again, first they're saying real time is a characteristic of the
23 content. In the second instance they say, no, no, no, real time here is just a
24 characteristic of the scrolling, of the user activity of scrolling. So that's
25 inconsistent with the principles of claim construction, one.

26 Two, it renders the use of the word, real time, in the second

1 instance to be meaningless because they've never clarified how real time
2 scrolling is any different than just scrolling, or real time navigating would be
3 in any different than just navigating.

4 And that's emphasized by the fact that if you look in the petition
5 for what they identify in Dasgupta or Darnell as meeting this claim element,
6 they don't identify any real time scrolling or real time navigating in
7 Dasgupta, they just identify scrolling.

8 Because to Petitioner, in this second instance here, real time
9 scrolling just means scrolling. So, the Petitioner's interpretation of real time
10 can't be right.

11 JUDGE TROCK: Counsel, if I might, this is Judge Trock.

12 MR. WYSS: Sure.

13 JUDGE TROCK: I believe what Petitioner is arguing, and perhaps
14 I'm wrong, but I believe what they're arguing is that there are two separate
15 contexts for the use of real time in this claim. There's the first context in
16 which there is streaming occurring from the sources to the master server,
17 which is done in real time.

18 And then there's a second context in which their user is using a tool
19 to scroll through the content in real time. I don't believe Petitioner is
20 arguing that there are two separate definitions of real time, but I think what
21 they are saying is that the way the claim is constructed, is that there are two
22 different contexts in which real time is being used.

23 And so, then I want to make -- then I have another question for
24 you. And that has to do with the software that's being described here, coded
25 for organizing. In your construction, what kind of organizing is taking
26 place?

1 MR. WYSS: Okay. So let me --

2 JUDGE TROCK: If any.

3 MR. WYSS: So let me answer the first question first. As to your
4 interpretation of Petitioner's argument, I don't think that's what Petitioner's
5 argument is, but I think that your interpretation of it is probably more
6 generous, and I think Petitioner in this hearing sort of attached to it because
7 it sounds better than their version, which is just that scrolling is happening in
8 real time.

9 But if you look at this quote right here on Slide 16, it says, it
10 addresses the use of the slide tool, not the characteristics of the content data
11 or content application. That's pretty clear. They do not think that real time
12 in the second instance is talking about the content data.

13 They think it's about using the slide tool, and they say the same
14 thing with respect to Claim 12. So, I understood the argument that you were
15 making, I don't think that that's consistent with the arguments that Petitioner
16 made in the Paper. So that's one.

17 The second one was as to the organizing. So, under Patent
18 Owner's construction, you're wanting to know, what do we believe is the
19 organizing? So, are you asking what's organizing in the '658 Patent itself?

20 JUDGE TROCK: Well, no, I'm looking at the claim. So, the way
21 you've got this parsed it says, we've got a master application, which is stored
22 in the memory of the master server, and executes on the processor of the
23 master server. And that application includes software which is coded for
24 organizing data and applications from sources. So, in your view, is there
25 any organizing going on here for the master webpage or not?

26 MR. WYSS: On Darnell?

1 JUDGE TROCK: Or is that just language that's in the claim?

2 MR. WYSS: In Darnell? Well, I think the claim requires
3 organizing content data and content applications, yes.

4 JUDGE TROCK: Okay. So, can you describe for me what kind of
5 organizing is going on here? Because it sounds like your argument is that
6 there's real time streaming from the source to the master webpage. So, what,
7 if any, organizing is taking place?

8 MR. WYSS: So, the patent discloses that what's being streamed in
9 real time is multiple content sources or service providers preselected by the
10 user. So, since the user is able to pre-select what content sources they want
11 to stream, that's the organizing. So, they could say, I want to see my Gmail.

12 JUDGE TROCK: You're saying pre-selection is organizing?

13 MR. WYSS: Yes, I'm saying -- well, pre-selection is selecting,
14 organizing could be spatially organizing.

15 JUDGE TROCK: Well, I want you to tell me -- you're here to sort
16 of inform us or help educate us what your position is on this case. And so,
17 I'm asking you, with Claim 1, we've got this language here that talks about
18 organizing. Now, Petitioner is saying, well, the organizing is what is
19 occurring when you're putting together this master webpage from the
20 multiple content sources.

21 So, I'm asking you, in your interpretation of Claim 1, is there any
22 kind of organizing going on for this master webpage, or is it streaming from
23 these different sources onto the master webpage, and we don't have to look
24 at this organizing language here?

25 MR. WYSS: I think --

26 JUDGE TROCK: Because we're not doing anything.

1 MR. WYSS: I think --

2 JUDGE TROCK: So that's what I'm asking you. What kind of
3 organizing do you perceive as occurring here in your interpretation of Claim
4 1?

5 MR. WYSS: So, I think that there's different ways that the
6 organizing could occur. You've got multiple sources that are streaming, you
7 can pre-select those sources, and you can also organize those sources. So, I
8 don't want to construe or make arguments about what the limitations of
9 organizing are because I haven't analyzed that fully.

10 But I will say I don't think that it's limited to selecting. I think at
11 least one form of organizing would be spatially organizing them. I could put
12 Stream A on top and Stream B on bottom, or I could flip them, I can
13 organize them a different way, or I could do left and right, for example.

14 That'd be one method of organizing pre-selected streams that are
15 being streamed in real time. Is there potential ways to organize apart from
16 that that I just said? Potentially, yes, but I haven't analyzed the issue. I need
17 to kind of dig through the patent and see what it says. But that's my answer.

18 JUDGE TROCK: Okay. Thank you.

19 JUDGE REPKO: So going back to -- I don't want to belabor this
20 question, maybe something a little different in terms of how the organizing
21 is happening in the patent. In Column 5, for example, they talk a lot about
22 the user doing some organization.

23 But you're saying a lot of that is happening automatically in the
24 claim, or is the user actually doing that organization? Just want to kind of
25 clarify that. In particular, I'm thinking about Lines 27 through 47 in Column
26 5, just kind of focusing on that in light of what you just discussed.

1 MR. WYSS: Yes. So, in accordance with further embodiments of
2 the invention, a master webpage includes a slide end user interface on
3 remote computing device such as described above. In addition, the master
4 application is equipped with a toolbox that allows an authorized user or
5 administrator to build. I just lost my --

6 JUDGE REPKO: Yes, but that's the important part too, right? It's
7 the user builds the webpage 201 double prime.

8 MR. WYSS: Yes. Right.

9 JUDGE REPKO: Correct?

10 MR. WYSS: To build master webpage 201 and include features
11 for displaying and migrating through personal content. Yes, I don't dispute
12 that the user can organize the webpage. I don't know if the claim is limited
13 to user organization. But I don't dispute that a user certainly could be the
14 one organizing it.

15 Someone's got to organize it. I think that there implies there's a
16 human process going on, potentially it could be organized by the person
17 who's providing the application. But I think it's organized in some manner
18 by somebody. I don't think that just the streams appearing on the webpage
19 are organization, if that's your question.

20 JUDGE REPKO: Yes, and I guess in terms of this, does this fall
21 within the scope of the claim, that what you just read there, or is this
22 excluded by the claim?

23 MR. WYSS: I think that falls in the scope of the claim.

24 JUDGE REPKO: Yes, and then how does that -- where does real
25 time come in under this embodiment? What's the real time limitation we're
26 thinking about here?

1 MR. WYSS: So, in terms of the organizing?

2 JUDGE REPKO: Yes. What's going on in real time in Column 5,
3 Lines 27 through 47 in that embodiment?

4 MR. WYSS: Well, the content data and -- the thing that's real time
5 is always the content data and the content application. So, this is talking
6 about the slide tool that you use to scroll through them. So, there's a slide
7 tool which you can use to -- so you might have content -- you might have 10
8 applications and only five of them fit on the screen, so you scroll to see the
9 others.

10 You can also organize them, you spatially organize them. How
11 you organize them doesn't really necessarily relate to what the content
12 applications are. Like abstractly, you could organize non-real time streams.
13 But it just so happens that in this patent, that the things that you're
14 organizing are content applications that are streaming in real time.

15 JUDGE REPKO: And your claim interpretation turns on that
16 master webpage, correct? Like that's central to your view of the claim? And
17 in this embodiment, the user is building that master application, master
18 webpage 201 double prime.

19 MR. WYSS: Our argument with respect to claim element 1B2 in
20 particular, is about the master webpage. Now, we would say that we still
21 win independently on 1B3, 12, 7 and those other things. But with respect to
22 1B2 in particular, it is the on a master webpage wording that modifies
23 streamed in real time.

24 And it shows that the streamed real time content is showing up on
25 the master webpage, one. Two, the organization, I think you're just asking
26 me whether or not I'm -- I'm not sure I understand your question with respect

1 to the organization.

2 JUDGE REPKO: So, if the user is actually -- the administrator is
3 building the webpage, and we think about your interpretation of on the
4 master webpage in real time, how does this support your interpretation that
5 we should be thinking about on the master webpage modifying that
6 streaming versus organizing?

7 MR. WYSS: I'm still not sure I completely follow. So, there's a
8 master application which is stored in the memory of the master server and
9 that master application includes software code for organizing content data
10 and content applications.

11 JUDGE REPKO: Yes.

12 MR. WYSS: So, there's a program that's stored on the server.
13 That program includes software that you can use to organize content data or
14 content applications that are being streamed in real time to a master server,
15 to a master webpage, and that can be scrolled from the remote computer.

16 JUDGE REPKO: And the user is scrolling that sort of in real time.
17 It's the service providers and the data sources are provided in real time. And
18 the users also doing things that are reflected to them in real time as well. So,
19 it seems to kind of support their position, that the real time interaction is sort
20 of relevant as well, the user's interaction with the webpage and the master
21 webpage in particular as an administrator.

22 MR. WYSS: Yes. So, I guess you're asking me if the real time
23 -- if the organization has to happen in real time. I think you're asking me
24 that. And I don't think so. I think the real time modifies content data and
25 content applications. So, the software you use to organize the content data
26 or content applications, the content data and content applications are being

1 streamed in real time.

2 But I don't think that the streamed in real time modifies organizing
3 such that you have to organize in real time. And I'm not quite sure what that
4 would mean other than just organizing. Because I think that's kind of similar
5 to saying, well, scrolling in real time or taking a walk in real time.

6 JUDGE REPKO: Right.

7 MR. WYSS: If a human's doing it, it's happening in real time.

8 JUDGE REPKO: There are a lot there -- they're changing the
9 webpage and they're seeing the updates there and those updates are reflected
10 in human time. That's what you discussed earlier, right? That we're
11 thinking of real time in terms of --

12 MR. WYSS: Sure.

13 JUDGE REPKO: -- being able to -- being responsive and stuff.
14 That's essentially what this paragraph seems to suggest as well, right? It's
15 sort of an interactive process.

16 MR. WYSS: I think that the claim requires that there is software
17 coded for organizing the content data and content applications. I think the
18 content data and content applications are from multiple content sources,
19 preselected by the user, and streamed to the master server simultaneously in
20 real time.

21 If the organizing -- it may happen in real time, I don't think the
22 claim requires it. I don't think the claim requires that the organization
23 happen in real time. I think it requires that the content data and content
24 applications be streamed in real time.

25 Could you have a program with software coded where you could
26 say, hey, reorganize these two hours from now, start maybe. So, I don't

1 think the claim requires real time for the organization.

2 JUDGE REPKO: Okay. Thank you. I have no further questions
3 on that. And you're three minutes into your rebuttal. If you have --

4 MR. WYSS: Yes. So, I will reserve my time unless there's any
5 other questions right now.

6 JUDGE REPKO: I don't have any further questions. My
7 colleagues?

8 JUDGE TROCK: I have a question for you.

9 MR. WYSS: Sure.

10 JUDGE TROCK: This is, I guess, in response to an argument that
11 Petitioner's making. It's slightly different than what we've been discussing
12 for a while. But Petitioner makes the point several times that this patent, the
13 '658 Patent was in Prosecution, and it was rejected by the examiner multiple
14 times by several different pieces of art.

15 And the examiner's position was that this master application and
16 this master webpage was taught or obvious under the prior art before the
17 examiner. And that a point in time came when your client didn't appeal this,
18 or the Patentee didn't appeal this, but instead they amended Claim 1 for
19 allowance. And when they amended Claim 1 for allowance, they added
20 these other features like the remote toolbox and analytics. And the examiner
21 commented that its reasons for allowance was the amendment that added in
22 the remote toolbox and the analytics.

23 But here we are now some 10 years later arguing about whether or
24 not this language in 1B1, 1B2, and 1B3 has been taught by the prior art.
25 Now, granted this is different prior art than what was before the examiner,
26 but essentially is the same issue again. This language that's in 1B, was it

1 taught by the prior art before and did the Patentee concede to the examiner's
2 arguments that it was obvious and didn't appeal it, but instead amended it to
3 add these features of the toolbox and the analytics in order to gain
4 allowance? And what are we to make of that?

5 MR. WYSS: So, I don't think the Patentee conceded the
6 examiner's argument, the Patentee did amend to --

7 JUDGE TROCK: But did they appeal?

8 MR. WYSS: No, they amended to -- they amended to modify the
9 claim, to --

10 JUDGE TROCK: So, they did not contest the examiner's position
11 that these features in 1B1, 1B2 and 1B3 were taught by the prior art. That's
12 my point.

13 MR. WYSS: Okay. So --

14 JUDGE TROCK: And then the applicant amended Claim 1 to add
15 the remote toolbox and the analytics, and gained allowance because of that.
16 And the examiner noted that that was the main reason for allowance.

17 MR. WYSS: Right.

18 JUDGE TROCK: So, what are we going to make of that
19 argument? And is that applicable here?

20 MR. WYSS: No, it's not applicable. If Petitioner wanted to take
21 all the art that was before the examiner and then combine it with a new
22 reference that disclosed the remote toolbox, they were free to do that. They
23 didn't do that. They chose the references, they wrote the petition.

24 And the petition is deficient for reasons unrelated to the remote
25 toolbox in this instance. So that is what it is. The Petitioner chose -- they
26 drafted their petition, and the deficiencies in the petition aren't what the

1 examiner was considering at that time. So --

2 JUDGE TROCK: But doesn't the actions of the applicant indicate
3 by not contesting the examiner's position and instead amending the claims to
4 add two features, the remote toolbox, and the analytics for allowance,
5 doesn't that indicate that the art had previously taught or understood these
6 features that are described in 1B1 through 1B3?

7 MR. WYSS: Not necessarily. The applicant could have decided
8 to amend for a variety of reasons, could have just thought that they had
9 nothing to lose by adding those claim elements. I don't think it necessarily
10 means that they agreed that it was present in the prior art, it's just -- the only
11 thing we know for sure is that the applicant decided to amend the claims.
12 But the Petitioner --

13 JUDGE TROCK: Do you disagree with the examiner's statement
14 as for the reasons of allowance?

15 MR. WYSS: That the main reasons for allowance -- I don't
16 disagree that the examiner stated the main reasons for allowance was the
17 remote toolbox feature in conjunction with all the other limitations. So, I
18 think that the trick here is like Petitioner doesn't automatically get a
19 motivation to combine the references that they chose in their petition with
20 whatever it was that the examiner was considering, such that they have an
21 obvious accommodation that can knock out everything.

22 So, the examiner said the main reason for the allowance is the
23 remote toolbox feature in conjunction with the other features. So again, he's
24 saying right there, it's all the features combined. Petitioner had a chance to
25 find all the features combined in the prior art, they didn't do it. And so that's
26 why this reason for allowance is -- it was specific to the time and the art that

1 the Petitioner was -- I'm sorry, that the examiner was considering the claims,
2 and it's not applicable here.

3 JUDGE TROCK: So, is my understanding correct that there really
4 is no dispute between the parties here about limitations 1C1 and 1C2
5 regarding the remote toolbox and the analytics?

6 MR. WYSS: Yes, not to my recollection. I don't believe that
7 there's a dispute about whether the remote toolbox is satisfying. We're not
8 conceding that the control box is satisfied, but we haven't -- for the purposes
9 of disputing this petition, that's not the claim elements that we decided to
10 argue are lacking.

11 JUDGE TROCK: Okay. Thank you.

12 MR. WYSS: Anything else?

13 JUDGE REPKO: I don't have any further questions. My
14 colleagues? No? I'm just going to pause here. You're nine minutes into
15 your rebuttal and I think we're going to give the parties another five minutes
16 just in light of the technical difficulties we've had here.

17 And so, Petitioner, and you had that 15-minute rebuttal there. So,
18 we're going to give the extra five minutes for a rebuttal.

19 MS. KAISER: Okay. So, I think we had 13. So, we have 18?

20 JUDGE REPKO: Right. You may begin.

21 MS. KAISER: Okay. Thank you, Your Honor. I want to start
22 maybe with the part of the specification Judge Repko that you referred
23 Patent Owner's Counsel to, which is at Column 5, starting about Line 27.
24 And it's my understanding that this portion of the specification is referring to
25 the remote toolbox feature that is, for example, in Claim 1 limitation C.

26 We haven't been talking much about that limitation, other than the

1 Prosecution history exchange that we just had because the Patent Owner
2 doesn't dispute that the prior art meets that limitation. But that limitation
3 does give the user the ability to customize the master webpage.

4 And so that would essentially be, and I think if you go, Mr.
5 Moulder, to Claim 1, it talks about -- yes, 1C there. It talks about allowing
6 the user to write code, select code, or delete code to enable tool features, et
7 cetera. And so, this is what gives the user the ability to customize the code
8 for the -- for example, the master webpage.

9 But it's still the server that is organizing the content according to
10 that code. And so, I just wanted to identify that distinction since we hadn't
11 talked much about that remote toolbox limitation.

12 JUDGE REPKO: Thank you.

13 MS. KAISER: I also wanted to point out kind of in the same vein,
14 that if you go to Column 4 of the specification, Lines 50 to 54, that does
15 make it clear in the written description that it is the master server that is
16 -- the master application on the master server that is coded for organizing
17 content and content applications from the multiple content sources.

18 So again, even with that other discussion of what the user is doing
19 in regard to the toolbox, it's still the server that's organizing the content, and
20 that's described both in the specification and in the claims. I wanted to touch
21 on this idea of real time scrolling.

22 And if we go to -- well, I'll just say, I think the Prosecution history
23 is actually pretty instructive on this term where it talks a number of places in
24 the specification and also the places we've been discussing in the claims
25 about the user being able to scroll or navigate in real time.

26 And its Patent Owner's position that what that means is that the

1 content is real time. But up until this dispute between the parties, it
2 appeared that everyone understood that it was the scrolling itself that was
3 happening in real time. And if you look at the Prosecution history, it's clear
4 that that's how the examiner understood this term.

5 And so just as example citations that Exhibit 1003 is the
6 Prosecution history, and then looking at the examiner's statements at Pages
7 72, 76, 109 to 110, and 145 to 146, it was clear that the examiner was
8 focused on what the user was doing in real time, not the content, not the
9 nature of the content. I want to go to Petitioner Slide 16. And --

10 JUDGE TROCK: So, Ms. Kaiser, just to follow up on this, are
11 you therefore arguing that the Patent Owner has now changed that argument
12 from its position before the examiner?

13 MS. KAISER: Yes, Your Honor. I think it was clear that before,
14 and if my recollection of the Prosecution history is correct, it's more of an
15 issue of acquiescence than the Patent Owner or the applicant affirmatively
16 saying that. But the examiner said on mapped two prior references on
17 multiple occasions, that it was the scrolling, the user interaction that was
18 happening in real time, not the nature of the content being real time streamed
19 content or live streamed or whatever label we want to add to the content.

20 JUDGE TROCK: Applicant did not dispute the examiner's
21 position on that?

22 MS. KAISER: That's correct, Your Honor.

23 JUDGE TROCK: And then how would that impact their position
24 now before us making this argument? How are we supposed to square those
25 two positions?

26 MS. KAISER: Your Honor, I --

1 JUDGE TROCK: We've got the essence in front of the examiner
2 on this language and an argument from Patent Owner on this language, but
3 with two different sets of prior art.

4 MS. KAISER: So, Your Honor, I don't think it necessarily is
5 binding on the Patent Owner, but what I would say is what the examiner said
6 during Prosecution, is evidence of how someone, a person of ordinary skill
7 in the art would understand how that claim limitation would be interpreted.

8 And certainly, if the examiner was wrong about that, one would've
9 -- and something else was required by that limitation such that the prior art
10 didn't need it, that the applicant would've said so and they didn't. So, we're
11 pointing to that merely as evidence of how that claim limitation would be
12 understood by those skilled in the art.

13 JUDGE TROCK: Okay. Thank you.

14 MS. KAISER: And I'll also just mention that real time scrolling is
15 discussed by the experts. In Dr. Martin's deposition it was in Exhibit 2012 at
16 Page 84 to 91. And in Dr. Edward's deposition, this is at Exhibit 1082 Page
17 198, Lines 3 through 12.

18 JUDGE TROCK: Sorry, what page was that?

19 MS. KAISER: 198, Your Honor.

20 JUDGE TROCK: Thank you.

21 MS. KAISER: Okay. I want to turn back Dr. -- Judge Trock to a
22 question that you asked me pretty early on in the argument, and it has to do
23 with the meaning of real time. And if we go to Petitioner Slide 16, I think
24 that you asked good and helpful questions about how quick of transmission,
25 or how much delay makes something not real time.

26 But going back to what the evidence actually is in this IPR, in

1 terms of transmitting content I think both experts agreed in their declarations
2 that simultaneously real time transmission means that the content is updated
3 as soon as it's available. If it's user facing, then it would be displayed as
4 soon as it's available. And we see that in both Dr. Martin's declaration and
5 then Dr. Edwards agreeing with that in his declaration. What we've heard
6 now from Patent Owner's Counsel is that it's not enough even for the content
7 to be streamed as soon as it's available.

8 What I thought I understood before was that that would include
9 like updates as soon as they're available. But now what I understand Patent
10 Owner's Counsel to be saying is that the content has to be constantly
11 streamed even if there's no changes, and that that's true even of email.

12 So, what I think I heard Petitioner -- or Patent Owner say is that,
13 for example with email, you'd have to be sending the email screenshot over
14 the email information over and over and over again to the master webpage.
15 And then it's not enough that if you send that information in our view from
16 the content source to the master server, it's not enough to send updates.

17 I don't see anywhere and I looked for it in the specification that
18 -- or any of the intrinsic evidence, the claim language that supports that
19 limited of an interpretation of these claims. And in fact, if we look at our
20 Slide 31, and Invite Your Honors to read, I'm sure you have, but to look
21 again at the entirety of the specification because it's not long.

22 And if there was this very specific requirement for how things are
23 streamed, how often they're streamed, that they have to be streamed all the
24 time, not just updates, you would expect to see something in the
25 specification about that. And the reality is that the specification uses the
26 word stream as a verb only one time.

1 And it talks about stream on this Slide 31, this is in the patent
2 Column 1, Lines 47 to 50, and it talks about streaming content data to the
3 master server. It doesn't talk about how often you stream it, it doesn't talk
4 about you have to stream it all the time, just updates aren't enough.

5 So, this again is another example of the Patent Owner really
6 wanting to narrow and cabin it's claims to avoid the prior art, not looking at
7 how the claims were actually drafted. And that's what we're asking the
8 Board to do, is look at the claims, how they were actually drafted.

9 On the issue of -- on the first use of real time, and how that
10 limitation uses the words on a master webpage. And maybe we can just pull
11 up a slide that has all of 1B on it. Patent Owner's Counsel talked a lot about
12 the sort of antecedent for on a master webpage.

13 And if you actually look at the way that this is drafted, and I will
14 admit that it's not the model of clarity, but the thing that immediately
15 proceeds on a master webpage is actually from their respective servers.
16 Nobody thinks on the master webpage modifies that, because that doesn't
17 make sense.

18 And the claim already tells us where content is streamed to. It says
19 it's streamed to the master server. And I heard Patent Owner's Counsel then
20 say, and to a master webpage, and replaced the one that's in the claim with
21 to. And the Patentee could have -- the Patent Owner could have drafted the
22 claims that way, and then I think we would be having a different
23 conversation.

24 But the Patentee didn't do that. And so, the claims don't say
25 streamed to a master webpage. And when you look at the claim in context,
26 and again, I agree it's not the clearest thing in the world, but when it's talking

1 about something happening on a master webpage, the clearest and most
2 logical reading of this is that the organizing is happening on the master
3 webpage.

4 JUDGE REPKO: I just want to stop you there because I do want
5 to go back to that Column 5 then and what you said, right? It's they're
6 creating the code. There's a user there, and they're interacting and building
7 this master webpage. So, doesn't the master webpage already have that
8 organization there?

9 And so, it's sort of fixed, it's like a template, and then the stuff
10 that's streamed are the like individual content items and things like that. So,
11 the organization has already happened in that second half of the claim. It
12 allows the user to do it and as described in Column 5.

13 MS. KAISER: Well, there's nothing in the claim that requires the
14 user to have used the toolbox. It just requires the toolbox to exist, right?
15 And we're also -- I think in some of your questions before, it suggests that
16 maybe you were thinking about the user viewing the real time or the content
17 that's streamed at the same time that they're using the toolbox. I don't think
18 the claim requires that.

19 JUDGE REPKO: No. I guess what I'm thinking of is I want to
20 make sure that in Column 5, the user's sort of authoring the master webpage
21 in a way, right? Do you agree with that? Is that a fair reading of what
22 they're talking about, what you described to me? Or there's a degree of
23 organization imparted by the user through that interface?

24 MS. KAISER: The user has the capability to do that --

25 JUDGE REPKO: Okay. The user has the capability. And there's
26 some, I guess, embodiments where the user does create it. So, let's just

1 assume that scenario where the user is creating the master webpage. Aren't
2 they organizing content?

3 MS. KAISER: They could be.

4 JUDGE REPKO: Okay.

5 MS. KAISER: There could be other ways that the server is also
6 organizing the content. For example, if the user doesn't specify an
7 organization for every piece that it has been preselected, things like that. So,
8 it's a little bit in hypothetical land. But --

9 JUDGE REPKO: You're getting ahead of me. Yes, I think that the
10 idea is like if the user's doing it, then what's there left to be organized in real
11 time? If the user is already authored the master webpage and all that's left is
12 really to stream the content in real time, and there's no need to do any more
13 organization at that point, that this function, whatever this function is, it's
14 really focused on filling out the layout that the user has already created.

15 MS. KAISER: That certainly could be true, but I think the user is
16 really giving the parameters for organizing the content. So, it might be
17 saying like, put this here, put this here, but then the server, the master
18 application on the server is the thing that's actually doing that organizing
19 pursuant to the code that the user has added or changed using the toolbox.

20 So, it's sort of like the user's giving the instructions. The
21 instructions are, here's how I want you to organize the content, and then the
22 master application is the one that's actually carrying out that those
23 instructions. So, the master applications and the thing that's actually
24 organizing the content.

25 Because the toolbox is all about putting together the code in
26 advance, and then the master application on the master server is what's

1 carrying out that code. So, it's doing the organizing. That's my
2 understanding.

3 JUDGE REPKO: Okay. Thank you. That's --

4 MS. KAISER: I want to make sure that Mr. Carter has a little bit
5 of time to talk about Dasgupta. So, I think I'll just let him do that. Unless
6 there are other questions about claim construction.

7 JUDGE REPKO: I have no further questions. But two minutes
8 left here.

9 MR. CARTER: Thank you, Your Honors, I'll try to be very quick
10 here. I think I heard two arguments with respect to Dasgupta that I want to
11 very quickly, or as quickly as I can address. One is whether or not it has a
12 master webpage. So first of all, there's no dispute that Dasgupta's system
13 has a graphical user interface.

14 There's also no dispute that Dasgupta talks about sending
15 information from the server to the client device using HTTP. There's only
16 one piece of affirmative evidence in the record here about how the graphical
17 user interface could be populated using HTTP.

18 And that is from Dr. Martin's declaration, Exhibit 1002, Paragraph
19 325. Where he explains how the HTTP is used or a person ordinary skill in
20 the art would understand that that would be used to populate the graphical
21 interface, which we point to as the master webpage as it's rendered on the
22 remote computer.

23 Of course, all that content is available in the master server on
24 Dasgupta's side beforehand, before it's transmitted. So, I wanted to quickly
25 address that. And then if we could go to Slide 92, please. And I'll try to be
26 super quick with this one, which is that in the description of Dasgupta, we

1 heard from Patent Owner's Counsel, it really focused on the icons that were
2 part -- the supposedly static icons that were part of the graphical user
3 interface.

4 And there was brief mention of the advertisements. And I want to
5 make clear that those advertisements do change. That is one of the things
6 that we point to as being part of the content that is coming from the master
7 server. But there's more, there's on -- Slide 93, please.

8 Patent Owner didn't talk about the fact that with those icons, you
9 also get information about whatever the content is in that moment, on that
10 channel. So, if you highlight HBO, it's going to give you information about,
11 I think the name of the movie was 21. And that information pops up there,
12 this is in Figure 9 of Dasgupta.

13 If you were to then move the cursor to CNN, it will then populate
14 in that lower information box, whatever the current program on CNN would
15 be, and so on and so forth. So, I think it's important not to focus only on the
16 icons, which really relates more to Claim 10, and instead focus on what
17 actually is being displayed to the user. As you scroll through those icons, it's
18 giving you the up to the minute information about whatever is being
19 provided on that source.

20 JUDGE REPKO: Okay. Thank you.

21 MR. CARTER: Thank you. Your Honors.

22 JUDGE REPKO: So, Patent Owner, we had 11 minutes for
23 rebuttal, and we're going to give you an extra five minutes, so like 16
24 minutes.

25 MR. WYSS: Okay. I just have a few points to hit. Petitioner just
26 made some arguments about the Prosecution history supporting their

1 interpretation of claim element 1B3, that the scrolling, that the real time and
2 is happening is in reference to the scrolling or the navigating rather than the
3 content.

4 I would just say that those arguments are completely new, they
5 weren't in a briefing, so I would object to them. They were free to cite the
6 Prosecution history in the petition if they wanted to in support of that, they
7 didn't.

8 So, I would just object to that. Petitioner also made a point that
9 they said -- about the meaning of real-time streaming, they said that they
10 heard me say something about email needing to be updated more than when
11 an update happens.

12 And what they said is -- what she said, I believe, is that Dr.
13 Edwards agreed with their construction of real time in that it just had to be
14 when an item is updated. So, I would just, again, point the Board back to
15 Page 38 of the Patent Owner response, where Patent Owner says what Dr.
16 Edwards says about real time streaming.

17 And I said this before, but it's a POSITA would appreciate that
18 streaming in real time in the context of the '658 Patent means incremental
19 transfer with continuous rendering, data segments arrive and the page
20 updates as those segments arrive. So, the user perceives a live interrupted
21 flow.

22 So that's Dr. Edward's opinion as to what real-time streaming
23 means clearly. And then he goes on to say that he thinks that Darnell doesn't
24 meet it because a system that must first complete a feed item, merge it into a
25 database, and only then make it available upon later client request, like
26 Darnell's system, is not streaming to the user in real time, it is delivering

1 discreet snapshots. So that's in response to that point.

2 On the Dasgupta point, they pointed to the advertisements saying
3 that they could scroll, but the issue with Dasgupta is that there's no
4 indication that the advertisements are -- sorry, let me pull up the claim
5 language here so I can read it to you. There's no indication in Dasgupta the
6 advertisements are content data and content applications from multiple
7 content sources or service providers preselected by the user and streamed to
8 the master server simultaneously in real time from their respective servers on
9 a master webpage.

10 So, whether or not you could scroll the advertisements in Dasgupta
11 doesn't solve the problem that the advertisements aren't content data or
12 content applications from multiple content sources. They'd have to show
13 that the advertisements are coming from multiple content sources on the
14 internet. They did not show that.

15 As to the channel guide point, Petitioner was arguing that the
16 information boxes per channel are content data. But remember, it's that
17 same claim limitation again. The claim requires that content data and
18 content applications from multiple content sources preselected by the user
19 and streamed simultaneously in real time from their respective servers on a
20 master webpage.

21 All they've shown is that if you click on one of the channel icons,
22 you can get additional information about the channel on that one icon. And
23 they even admit it that then if you scroll or you click over to a next one, then
24 you could see the next piece of information.

25 That is not streaming simultaneously in real time from multiple
26 content sources or service providers preselected by the user. And

1 furthermore, the advertisements, they haven't shown that the advertisements
2 -- I noted that the --

3 JUDGE REPKO: Just a moment. I just want to make sure we
4 haven't lost San Jose again. I think we're frozen in San Jose.

5 MR. WYSS: I literally had 30 seconds left, but --

6 JUDGE REPKO: San Jose, can you hear us?

7 JUDGE TROCK: I can now.

8 JUDGE REPKO: Okay, I'm going to restart the timer.

9 MR. WYSS: Okay. Sorry about that. So, I was just saying right
10 with respect to both the advertisements in Dasgupta or the channel
11 information that you could click on with respect to each icon, both of them
12 would need to -- Petitioner would need to show that those represent multiple
13 content sources or service providers or are from multiple content sources or
14 service providers pre-selected by the user and streamed to the master server
15 simultaneously in real time.

16 So, the question's not whether you can scroll them, or I mean, that
17 is necessary, but that's not the -- what we're claiming is missing or whether
18 you could click on a single channel and kind of get additional information
19 about that single channel. It's that you have to be able to get it from
20 multiples simultaneously streamed in real time preselected by the user. So,
21 unless there's any other questions.

22 JUDGE REPKO: I have an additional question. And I don't mean
23 to belabor this point, but I think that what the toolbox does, it sort of informs
24 our understanding of the organizing step. And I just want to revisit that
25 topic one more time with respect to Column 5 and the embodiment there that
26 you said falls in the scope of the claim.

1 And one of the points you make with respect to Darnell, is
2 essentially that retrieving and storing content items just puts that outside the
3 scope of the claim. It's taking previously stored and published content items.
4 But then I look at Column 5, and I know that the users doing things to this
5 master app -- the master webpage.

6 Like if you look at Lines 36 through 41, they also talk about
7 portions of the content or portions of the content applications from the
8 corresponding set of content sources, or service provider service are capable
9 of being selected and copied using the computing device and saved to this
10 webpage.

11 So, they're saving something at least at some point, right? To this
12 master webpage. And then that seems to be later on merged and at least
13 organized in some way with the livestream content.

14 MR. WYSS: Okay. Let me --

15 JUDGE REPKO: Could you just speak a little bit about what's
16 actually going on in the organizing step if the user is going through here and
17 saving stuff?

18 MR. WYSS: Did you say 41? I'm sorry, I was just trying to -- I
19 didn't actually catch where you were in Column 5.

20 JUDGE REPKO: So, Column 5, 36 --

21 MR. WYSS: 36.

22 JUDGE REPKO: -- through 40, I guess it's 42.

23 MR. WYSS: In operation portions of content data and portions of
24 content applications 101, 103, and 105 from the corresponding set of content
25 sources or service provider servers, 101, 103, 105 are capable of being
26 selected and copied using the computing device and saved to the user's

1 master webpage, one or more of the user's personal accounts. Okay. So, it's
2 talking about the content sources themselves, I mean, selecting the content
3 sources and --

4 JUDGE REPKO: Well, we're talking about portions of content
5 data, right? At the -- in operation.0

6 MR. WYSS: I think would be if -- I mean --

7 JUDGE REPKO: They're saving something there, right? Like
8 that's my point. I want to know what they're saving here and why that's
9 different than Darnell, which is they're merging things in Darnell and they're
10 receiving new stuff, kind of incorporating them together. And how does this
11 -- how is this different?

12 MR. WYSS: Yes. So, this operation of saving, I mean, so if the
13 organizing element encompasses this copying and saving, that may be true,
14 but it doesn't eliminate the real time streaming requirement of the claim. So,
15 I might be able to take some content and select it and say, I enjoyed
16 watching the real time stream of that, or I enjoyed the real time stream of
17 this content, I want to save it to my master webpage.

18 You may be able to do that, but that doesn't mean if you come back
19 and the master webpage has only this single thing saved, that that would still
20 be meeting the claim limitations. The claim limitations also require real
21 time streaming of the content sources or content application. So that's my
22 answer to that.

23 JUDGE REPKO: Okay. But this is merging with previously
24 stored items. Like under this embodiment, there is some merging with
25 previously stored items, whatever's stored with respect to the user's
26 operation there.

1 MR. WYSS: Right. So yes, that's merging or storing something
2 on the master webpage itself, not the server. So --

3 JUDGE REPKO: When the master webpage is being used by the
4 server to deliver the content.

5 MR. WYSS: Sure. So yes. So, it doesn't preclude that you could
6 save -- I mean, I even said earlier, I thought that in response to Judge Tock's
7 question that the claims don't -- I think he's frozen. Maybe he's not. No, he
8 is not frozen. I'm sorry. I'm just getting paranoid now.

9 I think I said earlier, like the claims don't preclude storing, but they
10 do require real time streaming. So, you could save a real time stream, you
11 could save it contemporaneously while it's streaming, and there also could
12 be some storage due to a buffering issue.

13 JUDGE REPKO: Or previous content items that were previously
14 streamed.

15 MR. WYSS: There could be a previously content item streamed,
16 but there has to be multiple content data sources being streamed in real time
17 to the master webpage -- to the master server on a master webpage. Like
18 that always has to be met. So, saving something and having that not be real
19 time content doesn't eliminate the other requirement.

20 And the problem with Darnell is Darnell only has that. Darnell
21 only has the merge, save, store, it doesn't have the real time streaming. So,
22 saying that, well, Darnell can do merge, save, store, and this patent discloses
23 that the organizing could include some storage, that doesn't eliminate the
24 real-time streaming requirement.

25 JUDGE REPKO: But I guess Darnell, with respect to the feed
26 tracker module, let's go back to the sports scores that you were talking about

1 earlier. Let's say some games are in progress and some games have already
2 completed. So maybe the user sees the completed games and that's over and
3 over again every time it's refreshed, the page is refresh.

4 But then there's new stuff coming in on the feed tracker module
5 that's then merged with those previous scores. Is that a reasonable
6 understanding of how Darnell might work or --

7 MR. WYSS: Yes. So, if there's 10 content items in the list, some
8 of them could be previously completed scores and some of them could be an
9 ongoing score. Do I agree with that? Sure. That seems reasonable.

10 JUDGE REPKO: Yes, and how might that be different than what
11 you see with a user coming in and saving content items as part of the master
12 webpage?

13 MR. WYSS: Because in Darnell, once you've retrieved that
14 snapshot of the server, at that point in time, you no longer actually have the
15 current score, you have the current score from when the retrieval happened,
16 when the request happened. And then you have an old score, which is just
17 an old score. But you don't have any real time stream of any data. You just
18 have a snapshot of what the server had when you sent the request.

19 JUDGE REPKO: Okay. Thank you. I have no further questions
20 on that. Do my colleagues have any further questions?

21 MR. WYSS: Thank you, Your Honors.

22 JUDGE REPKO: Thank you all for presenting today. We
23 appreciate your arguments in answering all our questions. The hearing is
24 concluded.

25 (Whereupon, the above-entitled matter went off the record at 3:46
26 p.m.)

IPR2025-00307, Patent 9,729,658 B2
IPR2025-00308, Patent 10,334,068 B2

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