

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

COMCAST CABLE COMMUNICATIONS, LLC,  
PETITIONER

vs.

PROMPTU SYSTEMS CORPORATION,  
PATENT OWNER.

---

Case IPR2018-00344  
Patent 7,047,196

---

Wednesday, March 24, 2021

CONFERENCE CALL

BEFORE ADMINISTRATIVE PATENT JUDGES

JULIET MITCHELL DIRBA

JAMESON LEE

ROBERT L. KINDER

Reported By:

KATHLEEN WILKINS, STENOGRAPHIC REPORTER, CSR 10068

RPR-RMR-CRR-CCRR-CLR-CRC

Henderson Legal Services, Inc.

202-220-4158

[www.hendersonlegalservices.com](http://www.hendersonlegalservices.com)

1                   Conference call before Administrative  
2   Patent Judges Juliet Mitchell Dirba, Jameson Lee,  
3   Robert L. Kinder, on Wednesday, March 24, 2021,  
4   commencing at the hour of 2:01 p.m. Eastern time  
5   thereof, telephonically, before me, Kathleen A.  
6   Wilkins, RPR-RMR-CRR-CCRR-CLR-CRC, a Certified  
7   Stenographic Shorthand Reporter, in and for the  
8   State of California.

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 APPEARANCES OF COUNSEL

2 FOR THE PETITIONER:

3 FARELLA, BRAUN & MARTEL, LLP  
4 235 Montgomery Street, 17th Floor  
San Francisco, California 94104  
BY: JAMES L. DAY, ESQ.  
5 Telephone: (415) 954-4414  
Email: Jday@fbm.com

6

- and -

7

8 KEKER, VAN NEST & PETERS  
633 Battery Street  
San Francisco, California 94111  
9 BY: LEO L. LAM, ESQ.  
Telephone: (415) 676-2246  
10 Email: Llam@keker.com

11 FOR THE PATENT OWNER:

12 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
901 New York Avenue, NW  
13 Washington, DC 20001-4413  
BY: JOSHUA L. GOLDBERG, ESQ.  
14 Telephone: (202) 408 6092  
Email: Joshua.goldberg@finnegan.com

15

- and -

16

17 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
Stanford Research Park  
3300 Hillview Avenue, 2nd Floor  
18 Palo Alto, California 94304-1203  
BY: JACOB A. SCHROEDER, ESQ.  
19 Telephone: (650) 849 6765  
Email: Jacob.schroeder@finnegan.com

20

21

22

23

24

25

1 MARCH 24, 2021 2:01 P.M. EASTERN TIME.

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

3 AFTERNOON SESSION

4

5 JUDGE DIRBA: Good afternoon. This is  
6 Judge Dirba. This is a conference call in case  
7 IPR2018-00344 relating to U.S. Patent  
8 Number 7,047,196. I am joined today by my  
9 colleagues, Judges Lee and Kinder. The purpose of  
10 the call today is to discuss our remand procedure  
11 for this case.

12 Do we have someone on the line for  
13 petitioner?

14 MR. DAY: Yes, your Honor. This is James  
15 Day on behalf of petitioner.

16 JUDGE DIRBA: Mr. Day, is there anyone  
17 else on the line for petitioner?

18 MR. LAM: Yes, your Honor. Leo Lam on  
19 behalf of petitioner as well. Good afternoon or  
20 good morning, depending upon where you are.

21 JUDGE DIRBA: Good afternoon, I think.  
22 Yes.

23 And then do we have counsel for patent  
24 owner on the call?

25 MR. GOLDBERG: Yes, your Honor. Good

1     afternoon. This is Josua Goldberg for patent owner.  
2     I also have my cocounsel, Jacob Schroeder, on the  
3     line, and we also arranged for a court reporter  
4     that's also on the line.

5             JUDGE DIRBA: Thank you. You answered my  
6     next question.

7             Is there anyone else on the call?

8             Very good. So as I mentioned, the purpose  
9     of the call today is to discuss the remand procedure  
10    for this IPR.

11            Did the parties have a meet and confer in  
12    advance of this conference call today?

13            MR. GOLDBERG: Yes, your Honor.

14            JUDGE DIRBA: And did the parties reach  
15    agreement?

16            MR. SCHROEDER: Your Honor, this is James  
17    Day. I believe the parties are in agreement that  
18    further briefing would be useful. The two areas  
19    that we've discussed and I believe we've agreed on  
20    are, one, discussing how the construction of the  
21    term "received back channel" that the federal  
22    circuit confirmed or adopted applies to the  
23    arguments that the parties made and how that applies  
24    to the final written decision that was issued. And  
25    then the second area would be to, essentially, point

1 out subsequent federal circuit or PTAB decisions  
2 that might have some bearing on either the final  
3 written decision or the arguments that the parties  
4 made that weren't addressed to the final written  
5 decision.

6 JUDGE DIRBA: And I have a few questions  
7 about the second point you raised, Mr. Day. The  
8 cases that you'd like to point out about substantive  
9 issues, are those cases that were decided after the  
10 parties briefing? Is that why you're proposing to  
11 discuss them now, or has something changed in this  
12 proceeding? Or could you give me more background on  
13 that additional information?

14 MR. DAY: Yes. So what I'm suggesting and  
15 what I think we've agreed is it would be cases that  
16 that postdate the final written decision, though it  
17 would be -- I can give an example. There was a  
18 parallel IPR that the final written decision issued  
19 several months later than this one that we think  
20 impacts the analysis in this IPR. I know that  
21 patent owner has some arguments based on later --  
22 or, in fact, the same federal circuit decision that  
23 remanded this case. So it's information the board  
24 would not have had when it issued the written final  
25 decision but we think is now relevant.

1 JUDGE DIRBA: Okay. Before I ask  
2 additional questions about that, Mr. Goldberg, do  
3 you agree with Mr. Day's summary?

4 MR. GOLDBERG: I think generally, yes,  
5 your Honor. Our overall view is that we think, as  
6 Mr. Day was mentioning, that there are some issues  
7 in the federal circuit decision that issued in this  
8 case and the related 345 case that are relevant and  
9 would be worthwhile to raise to your Honors in some  
10 additional briefing. And beyond that, we don't have  
11 strong feelings on additional briefing, but we are  
12 okay with the additional briefing that petitioners  
13 have proposed.

14 I think that the one other part of our  
15 agreement that we had reached among the parties is  
16 that there would not be any additional briefing on  
17 whether or not the Murdock reference qualifies as  
18 prior art.

19 JUDGE DIRBA: And, Mr. Day, do you agree  
20 with that?

21 MR. DAY: I do agree with that, your  
22 Honor. The only caveat is I guess we would reserve  
23 the right to respond if there was any sort of an  
24 argument on that, but I don't expect that. And I do  
25 think the parties agree that we would set that

1     aside.

2                   JUDGE DIRBA:   Okay.   So if I'm  
3     understanding correctly, Mr. Day, it's petitioner,  
4     primarily, who seeks this additional briefing, and  
5     if I understand Mr. Goldberg, patent owner is  
6     amenable to, won't object to the additional briefing  
7     but wouldn't independently request it.  Is that  
8     correct, Mr. Day?

9                   And then I'll ask you, Mr. Goldberg.

10                  MR. DAY:  It's correct that I think we  
11     want additional briefing.  I suspect the patent  
12     owner also wants additional briefing.

13                  JUDGE DIRBA:  Mr. Goldberg, do you also  
14     want additional briefing?  I understood your  
15     comments to indicate that you were amenable to it,  
16     that you wouldn't object to additional briefing, but  
17     you also had no objection to not having any  
18     additional briefing.

19                  MR. GOLDBERG:  Yes, that's correct, your  
20     Honor.  I think that the only issue that we wanted  
21     to make you aware of at all is that other decision  
22     in the 345 is out there, but we don't need  
23     additional briefing on it and would be okay if there  
24     was not any additional briefing.  But you'll -- your  
25     Honors can see for themselves that in the briefing



1 at the federal circuit, there was the decision that  
2 issued and a request for rehearing on it. And we  
3 don't need to get into the details here unless you'd  
4 like to hear. But our view would be that that  
5 decision is something that matters.

6 JUDGE DIRBA: And to make sure I  
7 understand your position, Mr. Goldberg, you believe  
8 that that decision matters because of -- because of  
9 what it says and how it relates to the issues here?  
10 In other words, if I'm understanding you correctly,  
11 it is clear the ways in which it matters in this  
12 proceeding?

13 MR. GOLDBERG: Yes, your Honor. We had  
14 sought rehearing on the decision and articulated the  
15 reasons. To just make it very simple for you now,  
16 our basic position is that there's going to be issue  
17 preclusion created by what happened in the 345 case  
18 that's going to be relevant to the 344 case. And  
19 that is something that merely us telling you that  
20 that exists as far as we're concerned would be  
21 sufficient and we don't need briefing on it, but it  
22 is something that we would brief if we were -- if  
23 you were going to give briefing in this case in  
24 general.

25 JUDGE DIRBA: And petitioner, Mr. Day, you

1 mentioned in your discussion -- I'd like to drill in  
2 a little bit and understand better what topics you  
3 would like to address in this additional briefing.  
4 It does sound -- or it's my understanding you agree  
5 that the briefing would be limited to only certain  
6 issues. And I'd like to better understand which  
7 issues you believe require or need additional  
8 briefing.

9 MR. DAY: Sure, your Honor. One, if  
10 patent owner is going to make an issue preclusion  
11 argument, we'd like to respond to that. But I  
12 think, getting back to the two topics that I started  
13 with, the term that the federal circuit construed,  
14 or confirmed our construction, appears in several  
15 different limitations in the claims that were not  
16 addressed in the final written decision, and we  
17 think it would be useful to point that out.  
18 Frankly, it doesn't require a bunch of argument.  
19 It's just, you know, that decision impacts more than  
20 just the limitation that was addressed in the final  
21 written decision.

22 Also, the second ground that we asserted,  
23 the Murdock ground, was rejected based on that  
24 limitation. So it's -- again, I don't think it  
25 takes much argument. It would just be pointing out

1 those other places where the same term impacts  
2 either the arguments that were made and were not  
3 addressed or the final written decision that may  
4 not, you know, be readily apparent and are not  
5 apparent from the federal circuit decision itself.

6 On the second topic, I -- again, if patent  
7 owner is going to make some sort of legal argument  
8 based on a federal circuit decision on a different  
9 IPR, I would like to be able to respond to that.

10 And then there was an IPR decision in a  
11 related patent that issued later than this one that  
12 addressed several of the dependent claims that have  
13 virtually either identical or virtually identical  
14 language of the dependent claims at issue here. And  
15 we think that decision is relevant. Again, I don't  
16 think it takes a lot of argument, but it's something  
17 that we think the board should be aware of.

18 JUDGE DIRBA: That's very helpful.

19 Patent owner, if I understood -- or  
20 Mr. Goldberg, if I understood you correctly, you  
21 referenced an issue preclusion argument created by  
22 the 345 case which I haven't -- I haven't looked at  
23 in sufficient detail to know automatically what it  
24 is that you're referencing.

25 Are you of the opinion that you need

1 additional briefing to make that argument? Is it  
2 your position that the board should respond to  
3 determine whether or not issue preclusion applies in  
4 this case? Did you previously argue the issue  
5 preclusion in the case? Can you give me a little  
6 bit more information about your position on that?

7 MR. GOLDBERG: Yes, your Honor. There  
8 are -- there are claims in the 345 patent -- in the  
9 345 proceeding that relates to the same patent  
10 that's at issue in the 344 proceeding. And there  
11 are some claims that have the same limitation in  
12 them. And in the -- in both proceedings at the  
13 board, we had argued that the claims were not  
14 unpatentable because of that limitation.

15 And in the 345 proceeding, the board found  
16 the claims were not unpatentable because of that  
17 limitation and the federal circuit subsequently  
18 affirmed.

19 The same limitation exists in Claim 27 and  
20 its dependent claims in the 344 proceeding, but the  
21 board in the original final written decision did not  
22 address that issue because it found all of the  
23 claims got unpatentable for other reasons.

24 So the issue -- preclusion issue is  
25 essentially that this particular limitation that was

1 already fought about in the other IPR that the board  
2 found warranted finding the claims not unpatentable  
3 and that the federal circuit then affirmed made the  
4 claims not unpatentable also applies in this  
5 proceeding.

6 And the reason that I say we don't feel  
7 that there necessarily needs to be any briefing  
8 about this is because the details of what I just  
9 said in a lot more detail are already set forth in a  
10 request for rehearing that we had filed at the  
11 federal circuit. And the Court in that request for  
12 rehearing essentially just said to go back down for  
13 the board to deal with it. The details of these --  
14 of this issue are already set forth. But we --

15 JUDGE DIRBA: And the request for -- go  
16 ahead.

17 MR. GOLDBERG: That was a request for  
18 rehearing of the federal circuit decision, because  
19 in the federal circuit decision that issued -- so  
20 the 344 and the 345 cases, they were consolidated  
21 for purposes of appeal. So there's only a single  
22 decision that addressed both cases. And in the 344,  
23 we had pointed out to the federal circuit this  
24 issue. And in the federal circuit's decision, they  
25 just didn't address it, for whatever reason. So our

1 request for rehearing said, you guys didn't address  
2 this, can you please address it now? And then they  
3 essentially said go back and talk to the board about  
4 it.

5 JUDGE DIRBA: Okay. I don't believe that  
6 I have a copy of that request for rehearing,  
7 Mr. Goldberg. I'll just make you aware of that.

8 MR. GOLDBERG: Yes.

9 JUDGE DIRBA: So I can't consider it if I  
10 don't have a copy of it. But that's helpful  
11 information. I appreciate that.

12 Is it your argument, then, that based on  
13 what happened, that we -- that the board is  
14 precluded from making a different decision than it  
15 did before, or are you simply arguing that based on  
16 the analysis and the reasoning we had in that other  
17 case, that that would apply to the limitations here,  
18 and so, therefore, we should come up to the same  
19 conclusion here as we did in the other case?

20 MR. GOLDBERG: It's both. And to be  
21 clear, because I just want to make sure that I'm not  
22 misrepresenting anything, when I keep saying the  
23 board -- the court decision on the request for  
24 rehearing was, go back and talk to the board, it was  
25 just, they denied our request for rehearing. There

1 wasn't a long opinion that said that. I just -- as  
2 practical matter, when they denied our request for  
3 rehearing, that means we're coming and talking to  
4 you.

5 MR. DAY: Your Honor, may I add one point?

6 JUDGE DIRBA: Absolutely.

7 MR. DAY: I just want to make the point  
8 that Promptu filed this request for rehearing, and  
9 we did not respond to that. So one side of this  
10 issue has been briefed, but the other side has not.  
11 And so that's part of why we think if this is going  
12 to be an issue the board considers, we ought to be  
13 granted some briefing to respond.

14 JUDGE DIRBA: I understand that.

15 Mr. Day, do you have a proposal for how  
16 you would like to handle the additional briefing  
17 that you are contemplating?

18 MR. DAY: Yes, your Honor. So the parties  
19 have talked about two alternatives, and we don't  
20 necessarily agree on which is our favorite. But the  
21 two alternatives are, option 1, both parties file an  
22 opening brief simultaneously of up to ten pages, and  
23 then both parties file simultaneously an opposition  
24 brief of up to ten pages. Second alternative,  
25 option 2, would be sequential briefing where

1 petitioner goes first, patent owner, and then a  
2 reply, and then a surreply.

3 Again, we've talked about a ten-page  
4 limit, but we didn't really agree on that across the  
5 board. But I think those are the two sequential --  
6 the two approaches to briefing that we've discussed.

7 JUDGE DIRBA: And for the simultaneous  
8 briefing option where both parties file an opening  
9 brief and both parties file a response brief, are  
10 you proposing that the petitioner's opening brief  
11 would be directed to the issues that you raise,  
12 how -- let's see. I'm going back to my notes  
13 here -- how the other federal circuit decision  
14 impacts other limitations and how the -- how that  
15 decision is otherwise relevant to the case, and that  
16 the patent owner's opening brief would address the  
17 issue preclusion argument; is that correct? Or did  
18 you have a different idea in mind for how to split  
19 up the topics?

20 MR. DAY: No. That's correct, your Honor.  
21 I was thinking that both parties would make, you  
22 know, whatever arguments they were going to make,  
23 the ones we've articulated to you, and then each  
24 party would have a chance to respond.

25 JUDGE DIRBA: What timeline for that



1 briefing would you propose?

2 MR. DAY: You know, we did not discuss  
3 that. I would like to -- I'd like to have some  
4 time. Maybe, say, three or four weeks to get the  
5 briefs ready and then three or four weeks to  
6 respond. But, again, we did not discuss that.

7 JUDGE DIRBA: And, Mr. Goldberg, what  
8 would your -- if we were to authorize additional  
9 briefing here, what would your proposal be for the  
10 specific briefing procedure?

11 MR. GOLDBERG: I think, as Mr. Day had  
12 mentioned, that we had kind of talked through the  
13 two possibilities. Our preferred option would be to  
14 have the petitioner file a first brief, and then us  
15 to file a response to that, and then for petitioner  
16 to file a reply, and then for us to file a surreply.  
17 And as far as page limits go, we think ten pages  
18 makes sense for the first brief that the parties  
19 file in either the sequential or simultaneous  
20 scenario. I think our view would be that five pages  
21 would be sufficient for whatever the second brief  
22 filed by each party, either in the sequential or  
23 simultaneous framework.

24 MR. DAY: And, your Honor, we disagree  
25 with the limitation to five pages for responding to

1 an argument that was made in ten pages. We feel  
2 like we should get ten pages for a response.

3 JUDGE DIRBA: And that's directed to the  
4 issue preclusion argument that the patent owner has  
5 referenced, correct?

6 MR. DAY: Yeah. That's the only argument  
7 we know that they're going to make. But, yes, if it  
8 took them ten pages to lay out that argument, which  
9 seems doubtful, but it did, it doesn't seem fair  
10 that we would be responding to that in five pages.

11 JUDGE DIRBA: Okay. Let me take a few  
12 moments.

13 (Pause in proceedings.)

14 JUDGE DIRBA: Thank you for your patience.

15 Mr. Goldberg, I have an additional  
16 question regarding your arguments regarding issue  
17 preclusion or -- you referenced some arguments also  
18 around that same issue that you had made in your  
19 request for a hearing to the federal circuit.

20 Do any of those issues relate to the  
21 arguments that petitioner is proposing that we  
22 address? In other words, is there a relationship  
23 between the topics of petitioner you want to  
24 address, which is namely how the CAFC decision  
25 impacts other limitations in these claims, and your

1 argument that issue preclusion applies from some  
2 aspect of what the federal circuit decided?

3 MR. GOLDBERG: I hesitate in answering  
4 just because I think this is one of those points  
5 where it just depends on your perspective, because  
6 when -- when we talk about petitioner's arguments  
7 concerning the impact of the federal circuit  
8 decision on other limitations, I could say, well,  
9 yes, what we're talking about is the same thing  
10 because the federal circuit decision addresses  
11 another limitation, and we are going to be talking  
12 about that other limitation when we say that that's  
13 why the claims are not unpatentable here as well.  
14 It's all -- has its genesis in the federal circuit's  
15 decision.

16 So in that sense, yes, it's the same  
17 thing. But I think, you know, they're going to  
18 focus on other parts of the decision that we would  
19 focus on.

20 MR. DAY: Your Honor, may I offer --  
21 sorry.

22 JUDGE DIRBA: Let me ask an additional  
23 question, Mr. Goldberg.

24 Are there any other -- the federal circuit  
25 decision we're speaking of is the decision from this

1 proceeding, which, as you mentioned, that the  
2 federal circuit was consulted with the 345 IPR. Is  
3 that the only federal circuit decision that's  
4 relevant?

5 MR. GOLDBERG: That's the only decision  
6 that is relevant in the sense that it creates  
7 binding -- what we would view as binding authority  
8 on this issue. Now, in addressing how this issue  
9 preclusion works, there may be issues that, just  
10 like in the sense that they're case law, maybe would  
11 get cited in explaining this issue to the board.  
12 But that would be the only case that is -- I guess I  
13 would characterize it as the law of the case. I'm  
14 sure that petitioner's counsel would disagree with  
15 me on that, but that's kind of the way I would frame  
16 it.

17 JUDGE DIRBA: Mr. Day, a response?

18 MR. DAY: Yes, your Honor. I don't  
19 disagree that it's in the same category. We also  
20 would like to update the board on subsequent  
21 authority with a category similar. But if the  
22 question was getting at who would raise this, it's  
23 we would not raise this issue in an opening brief,  
24 and they -- and I believe patent owner would not  
25 argue it in response to anything that we would say

1 in an opening brief.

2 So their laying out their position would  
3 have nothing to do with anything we said in an  
4 opening brief. And so that's why, if we went in a  
5 sequential order, we would be -- it would be a new  
6 argument unrelated to the arguments we had made in  
7 our first opening brief.

8 And so that's -- that's my concern about a  
9 reply being very short, you know, short, half as  
10 long, is we would be responding to what might be an  
11 extensive argument, I don't know, in half the pages.

12 JUDGE DIRBA: Okay. Mr. Day, anything  
13 further that you want to say on this topic?

14 MR. DAY: No, your Honor.

15 JUDGE DIRBA: Mr. Goldberg?

16 MR. GOLDBERG: No, your Honor.

17 JUDGE DIRBA: Okay. The panel has  
18 conferred. We'll grant additional briefing as the  
19 parties request. We're inclined to -- we decided to  
20 grant a simultaneous opening brief and then a  
21 simultaneous response brief. Both of those  
22 briefs -- or I suppose all four of those briefs will  
23 be ten pages each. They're all limited generally to  
24 discussing the issues that we addressed today. In  
25 particular, or I suppose, for example, someone had

1 mentioned not having any additional briefing on  
2 whether Murdock qualifies as prior art. The  
3 topics -- and we'll issue an order in due course  
4 laying this out. But the topics should be limited  
5 to the impacts of the federal circuit decision that  
6 we have in this case on this case, as well as  
7 additional authority that is particularly relevant  
8 to the arguments made during the proceeding. Each  
9 of the briefs I mentioned would be ten pages. We'll  
10 allow three weeks for both parties to file their  
11 opening briefs, and then an additional three weeks  
12 for both parties to file their response brief.

13 Mr. Day, are there any questions?

14 MR. DAY: No, your Honor.

15 JUDGE DIRBA: Mr. Goldberg?

16 MR. GOLDBERG: Not for your Honor. But if  
17 I can just give my colleague, Jacob, a moment to see  
18 if he has any.

19 MR. SCHROEDER: No, I do not. This is  
20 Jacob Schroeder. Thank you.

21 JUDGE DIRBA: Thank you. And one  
22 additional clarification for Mr. Day. I would  
23 expect the petitioner would not address the issue of  
24 preclusion arguments that patent owner has discussed  
25 today in his opening brief. Rather, I would expect

1 the petitioner would address those arguments after  
2 patent owner has had a chance to articulate those  
3 arguments in its opening brief. Petitioner would  
4 address the response to those in its responsive  
5 brief.

6 MR. DAY: Understood, your Honor.

7 JUDGE DIRBA: Is there anything further  
8 from either party?

9 MR. DAY: Your Honor, I did have one other  
10 thing I wanted to ask about.

11 JUDGE DIRBA: Go ahead. And who is this  
12 speaking?

13 MR. DAY: Sorry. Mr. Day for petitioner.

14 The parties filed, each side filed a  
15 motion to exclude. And in the final decision, both  
16 of those motions were denied as moot. So my  
17 question is just whether the panel would like us to  
18 refile those, mention them in this briefing, or is  
19 there anything else we can do just to, you know, get  
20 those on your radar again?

21 JUDGE DIRBA: We will take that under  
22 advisement. I don't suspect that we will need  
23 additional briefing. I'm assuming that the issues  
24 are the same; you're just saying that the motion is  
25 perhaps no longer moot because we might resolve

1 things differently in this proceeding; is that  
2 correct?

3 MR. DAY: That is correct, your Honor.  
4 But I'm not suggesting further briefing.

5 JUDGE DIRBA: Okay. We will consider that  
6 and I'll address that in the order.

7 MR. DAY: Thank you, your Honor.

8 JUDGE DIRBA: Okay. Final request for  
9 Mr. Goldberg. Please file as an exhibit a copy of  
10 the transcript from this proceeding or this hearing  
11 as soon as it's available.

12 MR. GOLDBERG: Will do. Thank you, your  
13 Honor.

14 JUDGE DIRBA: Excellent. Thank you all.  
15 We're adjourned.

16 MR. DAY: Thank you.

17 MR. SCHROEDER: Thank you. Have a good  
18 day.

19 (Proceedings concluded at 2:32 p.m.)  
20  
21  
22  
23  
24  
25



## CERTIFICATE OF REPORTER

I, Kathleen A. Wilkins, Registered Professional Reporter in and for the State of California, County of Contra Costa, the officer before whom the proceedings were taken, do hereby certify that the foregoing transcript is a true and accurate record of these proceedings; that said proceedings were taken in Stenotype note by me on the 24th day of March, 2021, commencing at 2:01 p.m. and ending at 2:32 p.m.

I further certify that present on behalf of Party Promptu Systems Corporation, Patent Owner, was Joshua L. Goldberg, Esq. and Jacob A. Schroeder, Esq., Finnegan, Henderson, Farabow, Garrett & Dunner, and on behalf of Comcast Cable Communications, LLC, Petitioner, was James L. Day, Esq., of Farella, Braun & Martel, LLP and Leo L. Lam, Esq., of Keker, Van Nest & Peters.

I, further certify that I am not related to, nor associated with any of the parties or their attorneys, nor do I have any disqualifying interest, personal or financial in the actions within.

Dated this 26th day of March, 2021, at Contra Costa County, California.

*Kathleen A. Wilkins*

\_\_\_\_\_  
(Reporter's signature)

|                                    |                                       |                                      |                                 |                            |
|------------------------------------|---------------------------------------|--------------------------------------|---------------------------------|----------------------------|
| <b>A</b>                           | <b>afternoon</b> 4:3<br>4:5,19,21 5:1 | <b>argued</b> 12:13                  | <b>back</b> 5:21                | 8:16,18,23                 |
| <b>able</b> 11:9                   | <b>agree</b> 7:3,19<br>7:21,25 10:4   | <b>arguing</b> 14:15                 | 10:12 13:12                     | 8:24,25 9:21               |
| <b>Absolutely</b><br>15:6          | 15:20 16:4                            | <b>argument</b> 7:24<br>10:11,18,25  | 14:3,24                         | 9:23 10:3,5,8              |
| <b>accurate</b> 25:7               | <b>agreed</b> 5:19<br>6:15            | 11:7,16,21                           | 16:12                           | 12:1 13:7                  |
| <b>actions</b> 25:22               | <b>agreement</b><br>5:15,17 7:15      | 12:1 14:12                           | <b>background</b><br>6:12       | 15:13,16,25                |
| <b>add</b> 15:5                    | <b>ahead</b> 13:16<br>23:11           | 16:17 18:1,4                         | <b>based</b> 6:21<br>10:23 11:8 | 16:6,8 17:1,9              |
| <b>additional</b><br>6:13 7:2,10   | <b>allow</b> 22:10                    | 18:6,8 19:1                          | 14:12,15                        | 17:10 21:18                |
| 7:11,12,16                         | <b>alternative</b><br>15:24           | 21:6,11                              | <b>basic</b> 9:16               | 22:1 23:18                 |
| 8:4,6,11,12                        | <b>alternatives</b><br>15:19,21       | <b>arguments</b><br>5:23 6:3,21      | <b>Battery</b> 3:8              | 23:23 24:4                 |
| 8:14,16,18                         | <b>Alto</b> 3:18                      | 11:2 16:22                           | <b>bearing</b> 6:2              | <b>briefs</b> 17:5         |
| 8:23,24 10:3                       | <b>amenable</b> 8:6<br>8:15           | 18:16,17,21                          | <b>behalf</b> 4:15,19           | 21:22,22                   |
| 10:7 12:1                          | <b>analysis</b> 6:20<br>14:16         | 19:6 21:6                            | 25:11,15                        | 22:9,11                    |
| 15:16 17:8                         | <b>answered</b> 5:5                   | 22:8,24 23:1                         | <b>believe</b> 5:17             | <b>bunch</b> 10:18         |
| 18:15 19:22                        | <b>answering</b><br>19:3              | 23:3                                 | 5:19 9:7 10:7                   | <b>C</b>                   |
| 21:18 22:1,7                       | <b>apparent</b> 11:4<br>11:5          | <b>arranged</b> 5:3                  | 14:5 20:24                      | <b>C 4:2</b>               |
| 22:11,22                           | <b>appeal</b> 1:2<br>13:21            | <b>art</b> 7:18 22:2                 | <b>better</b> 10:2,6            | <b>Cable</b> 1:4           |
| 23:23                              | <b>APPEARAN...</b><br>3:1             | <b>articulate</b> 23:2<br>9:14 16:23 | <b>beyond</b> 7:10              | 25:15                      |
| <b>address</b> 10:3                | <b>appears</b> 10:14                  | <b>articulated</b><br>9:14 16:23     | <b>binding</b> 20:7,7           | <b>CAFC</b> 18:24          |
| 12:22 13:25                        | <b>applies</b> 5:22<br>5:23 12:3      | <b>aside</b> 8:1                     | <b>bit</b> 10:2 12:6            | <b>California</b> 2:8      |
| 14:1,2 16:16                       | 13:4 19:1                             | <b>asserted</b> 10:22                | <b>board</b> 1:2 6:23           | 3:4,8,18 25:4              |
| 18:22,24                           | <b>apply</b> 14:17                    | <b>associated</b><br>25:20           | 11:17 12:2                      | 25:24                      |
| 22:23 23:1,4                       | <b>appreciate</b><br>14:11            | <b>aspect</b> 19:2                   | 12:13,15,21                     | <b>call</b> 1:15 2:1       |
| 24:6                               | <b>approaches</b><br>16:6             | <b>asserted</b> 10:22                | 13:1,13 14:3                    | 4:6,10,24 5:7              |
| <b>addressed</b> 6:4               | <b>area</b> 5:25                      | <b>associated</b><br>25:20           | 14:13,23,24                     | 5:9,12                     |
| 10:16,20                           | <b>areas</b> 5:18                     | <b>assuming</b><br>23:23             | 15:12 16:5                      | <b>case</b> 1:10 4:6       |
| 11:3,12                            | <b>argue</b> 12:4<br>20:25            | <b>attorneys</b><br>25:21            | 20:11,20                        | 4:11 6:23 7:8              |
| 13:22 21:24                        |                                       | <b>authority</b> 20:7<br>20:21 22:7  | <b>Braun</b> 3:3                | 7:8 9:17,18                |
| <b>addresses</b><br>19:10          |                                       | <b>automatically</b><br>11:23        | 25:17                           | 9:23 11:22                 |
| <b>addressing</b><br>20:8          |                                       | <b>available</b><br>24:11            | <b>brief</b> 9:22               | 12:4,5 14:17               |
| <b>adjourned</b><br>24:15          |                                       | <b>Avenue</b> 3:12<br>3:17           | 15:22,24                        | 14:19 16:15                |
| <b>Administrati...</b><br>1:16 2:1 |                                       | <b>aware</b> 8:21<br>11:17 14:7      | 16:9,9,10,16                    | 20:10,12,13                |
| <b>adopted</b> 5:22                |                                       |                                      | 17:14,18,21                     | 22:6,6                     |
| <b>advance</b> 5:12                |                                       |                                      | 20:23 21:1,4                    | <b>cases</b> 6:8,9,15      |
| <b>advisement</b><br>23:22         |                                       |                                      | 21:7,20,21                      | 13:20,22                   |
| <b>affirmed</b> 12:18<br>13:3      |                                       |                                      | 22:12,25                        | <b>category</b> 20:19      |
|                                    |                                       | <b>B</b>                             | 23:3,5                          | 20:21                      |
|                                    |                                       |                                      | <b>briefed</b> 15:10            | <b>caveat</b> 7:22         |
|                                    |                                       |                                      | <b>briefing</b> 5:18            | <b>certain</b> 10:5        |
|                                    |                                       |                                      | 6:10 7:10,11                    | <b>CERTIFICATE</b><br>25:1 |
|                                    |                                       |                                      | 7:12,16 8:4,6                   | <b>Certified</b> 2:6       |
|                                    |                                       |                                      | 8:11,12,14                      | <b>certify</b> 25:6,11     |

|  |  |   |  |   |
|--|--|---|--|---|
| 25:19<br><b>chance</b> 16:24<br>23:2<br><b>changed</b> 6:11<br><b>channel</b> 5:21<br><b>characterize</b><br>20:13<br><b>circuit</b> 5:22 6:1<br>6:22 7:7 9:1<br>10:13 11:5,8<br>12:17 13:3<br>13:11,18,19<br>13:23 16:13<br>18:19 19:2,7<br>19:10,24<br>20:2,3 22:5<br><b>circuit's</b> 13:24<br>19:14<br><b>cited</b> 20:11<br><b>Claim</b> 12:19<br><b>claims</b> 10:15<br>11:12,14<br>12:8,11,13<br>12:16,20,23<br>13:2,4 18:25<br>19:13<br><b>clarification</b><br>22:22<br><b>clear</b> 9:11<br>14:21<br><b>cocounsel</b> 5:2<br><b>colleague</b><br>22:17<br><b>colleagues</b> 4:9<br><b>Comcast</b> 1:4<br>25:15<br><b>come</b> 14:18<br><b>coming</b> 15:3<br><b>commencing</b><br>2:4 25:9<br><b>comments</b><br>8:15<br><b>Communica...</b> | 1:4 25:16<br><b>concern</b> 21:8<br><b>concerned</b><br>9:20<br><b>concerning</b><br>19:7<br><b>concluded</b><br>24:19<br><b>conclusion</b><br>14:19<br><b>confer</b> 5:11<br><b>conference</b><br>1:15 2:1 4:6<br>5:12<br><b>conferred</b><br>21:18<br><b>confirmed</b><br>5:22 10:14<br><b>consider</b> 14:9<br>24:5<br><b>considers</b><br>15:12<br><b>consolidated</b><br>13:20<br><b>construction</b><br>5:20 10:14<br><b>construed</b><br>10:13<br><b>consulted</b><br>20:2<br><b>contemplating</b><br>15:17<br><b>Contra</b> 25:4,24<br><b>copy</b> 14:6,10<br>24:9<br><b>Corporation</b><br>1:7 25:12<br><b>correct</b> 8:8,10<br>8:19 16:17<br>16:20 18:5<br>24:2,3<br><b>correctly</b> 8:3<br>9:10 11:20 | <b>Costa</b> 25:4,24<br><b>counsel</b> 3:1<br>4:23 20:14<br><b>County</b> 25:4<br>25:24<br><b>course</b> 22:3<br><b>court</b> 5:3<br>13:11 14:23<br><b>created</b> 9:17<br>11:21<br><b>creates</b> 20:6<br><b>CSR</b> 1:24<br><hr/> <b>D</b><br><b>D</b> 4:2<br><b>Dated</b> 25:23<br><b>day</b> 3:4 4:14<br>4:15,16 5:17<br>6:7,14 7:6,19<br>7:21 8:3,8,10<br>9:25 10:9<br>15:5,7,15,18<br>16:20 17:2<br>17:11,24<br>18:6 19:20<br>20:17,18<br>21:12,14<br>22:13,14,22<br>23:6,9,13,13<br>24:3,7,16,18<br>25:9,16,23<br><b>Day's</b> 7:3<br><b>DC</b> 3:13<br><b>deal</b> 13:13<br><b>decided</b> 6:9<br>19:2 21:19<br><b>decision</b> 5:24<br>6:3,5,16,18<br>6:22,25 7:7<br>8:21 9:1,5,8<br>9:14 10:16<br>10:19,21<br>11:3,5,8,10 | 11:15 12:21<br>13:18,19,22<br>13:24 14:14<br>14:23 16:13<br>16:15 18:24<br>19:8,10,15<br>19:18,25,25<br>20:3,5 22:5<br>23:15<br><b>decisions</b> 6:1<br><b>denied</b> 14:25<br>15:2 23:16<br><b>dependent</b><br>11:12,14<br>12:20<br><b>depending</b><br>4:20<br><b>depends</b> 19:5<br><b>detail</b> 11:23<br>13:9<br><b>details</b> 9:3<br>13:8,13<br><b>determine</b><br>12:3<br><b>different</b> 10:15<br>11:8 14:14<br>16:18<br><b>differently</b><br>24:1<br><b>Dirba</b> 1:17 2:2<br>4:5,6,16,21<br>5:5,14 6:6<br>7:1,19 8:2,13<br>9:6,25 11:18<br>13:15 14:5,9<br>15:6,14 16:7<br>16:25 17:7<br>18:3,11,14<br>19:22 20:17<br>21:12,15,17<br>22:15,21<br>23:7,11,21<br>24:5,8,14 | <b>directed</b> 16:11<br>18:3<br><b>disagree</b> 17:24<br>20:14,19<br><b>discuss</b> 4:10<br>5:9 6:11 17:2<br>17:6<br><b>discussed</b><br>5:19 16:6<br>22:24<br><b>discussing</b><br>5:20 21:24<br><b>discussion</b><br>10:1<br><b>disqualifying</b><br>25:21<br><b>doubtful</b> 18:9<br><b>drill</b> 10:1<br><b>due</b> 22:3<br><b>Dunner</b> 3:12<br>3:16 25:15<br><hr/> <b>E</b><br><b>E</b> 4:2,2<br><b>Eastern</b> 2:4<br>4:1<br><b>either</b> 6:2 11:2<br>11:13 17:19<br>17:22 23:8<br><b>Email</b> 3:5,10<br>3:14,19<br><b>Esq</b> 3:4,9,13<br>3:18 25:13<br>25:14,17,18<br><b>essentially</b><br>5:25 12:25<br>13:12 14:3<br><b>example</b> 6:17<br>21:25<br><b>Excellent</b><br>24:14<br><b>exclude</b> 23:15<br><b>exhibit</b> 24:9 |
|--|--|---|--|---|

|  |   |   |   |   |
|--|---|---|---|---|
| <b>exists</b> 9:20<br>12:19<br><b>expect</b> 7:24<br>22:23,25<br><b>explaining</b><br>20:11<br><b>extensive</b><br>21:11<br><hr/> <b>F</b><br><hr/> <b>fact</b> 6:22<br><b>fair</b> 18:9<br><b>far</b> 9:20 17:17<br><b>Farabow</b> 3:12<br>3:16 25:14<br><b>Farella</b> 3:3<br>25:17<br><b>favorite</b> 15:20<br><b>federal</b> 5:21<br>6:1,22 7:7<br>9:1 10:13<br>11:5,8 12:17<br>13:3,11,18<br>13:19,23,24<br>16:13 18:19<br>19:2,7,10,14<br>19:24 20:2,3<br>22:5<br><b>feel</b> 13:6 18:1<br><b>feelings</b> 7:11<br><b>file</b> 15:21,23<br>16:8,9 17:14<br>17:15,16,16<br>17:19 22:10<br>22:12 24:9<br><b>filed</b> 13:10<br>15:8 17:22<br>23:14,14<br><b>final</b> 5:24 6:2,4<br>6:16,18,24<br>10:16,20<br>11:3 12:21<br>23:15 24:8 | <b>financial</b> 25:22<br><b>finding</b> 13:2<br><b>Finnegan</b> 3:12<br>3:16 25:14<br><b>first</b> 16:1 17:14<br>17:18 21:7<br><b>five</b> 17:20,25<br>18:10<br><b>Floor</b> 3:3,17<br><b>focus</b> 19:18,19<br><b>foregoing</b> 25:6<br><b>forth</b> 13:9,14<br><b>fought</b> 13:1<br><b>found</b> 12:15<br>12:22 13:2<br><b>four</b> 17:4,5<br>21:22<br><b>frame</b> 20:15<br><b>framework</b><br>17:23<br><b>Francisco</b> 3:4<br>3:8<br><b>Frankly</b> 10:18<br><b>further</b> 5:18<br>21:13 23:7<br>24:4 25:11<br>25:19<br><hr/> <b>G</b><br><hr/> <b>G</b> 4:2<br><b>Garrett</b> 3:12<br>3:16 25:14<br><b>general</b> 9:24<br><b>generally</b> 7:4<br>21:23<br><b>genesis</b> 19:14<br><b>getting</b> 10:12<br>20:22<br><b>give</b> 6:12,17<br>9:23 12:5<br>22:17<br><b>go</b> 13:12,15<br>14:3,24 | 17:17 23:11<br><b>goes</b> 16:1<br><b>going</b> 9:16,18<br>9:23 10:10<br>11:7 15:11<br>16:12,22<br>18:7 19:11<br>19:17<br><b>Goldberg</b> 3:13<br>4:25 5:1,13<br>7:2,4 8:5,9<br>8:13,19 9:7<br>9:13 11:20<br>12:7 13:17<br>14:7,8,20<br>17:7,11<br>18:15 19:3<br>19:23 20:5<br>21:15,16<br>22:15,16<br>24:9,12<br>25:13<br><b>good</b> 4:5,19,20<br>4:21,25 5:8<br>24:17<br><b>grant</b> 21:18,20<br><b>granted</b> 15:13<br><b>ground</b> 10:22<br>10:23<br><b>guess</b> 7:22<br>20:12<br><b>guys</b> 14:1<br><hr/> <b>H</b><br><hr/> <b>half</b> 21:9,11<br><b>handle</b> 15:16<br><b>happened</b><br>9:17 14:13<br><b>hear</b> 9:4<br><b>hearing</b> 18:19<br>24:10<br><b>helpful</b> 11:18<br>14:10 | <b>Henderson</b><br>3:12,16<br>25:14<br><b>hesitate</b> 19:3<br><b>Hillview</b> 3:17<br><b>Honor</b> 4:14,18<br>4:25 5:13,16<br>7:5,22 8:20<br>9:13 10:9<br>12:7 15:5,18<br>16:20 17:24<br>19:20 20:18<br>21:14,16<br>22:14,16<br>23:6,9 24:3,7<br>24:13<br><b>Honors</b> 7:9<br>8:25<br><b>hour</b> 2:4<br><hr/> <b>I</b><br><hr/> <b>idea</b> 16:18<br><b>identical</b> 11:13<br>11:13<br><b>impact</b> 19:7<br><b>impacts</b> 6:20<br>10:19 11:1<br>16:14 18:25<br>22:5<br><b>inclined</b> 21:19<br><b>independently</b><br>8:7<br><b>indicate</b> 8:15<br><b>information</b><br>6:13,23 12:6<br>14:11<br><b>interest</b> 25:21<br><b>IPR</b> 5:10 6:18<br>6:20 11:9,10<br>13:1 20:2<br><b>IPR2018-003...</b><br>1:10 4:7<br><b>issue</b> 8:20 | 9:16 10:10<br>11:14,21<br>12:3,4,10,22<br>12:24,24<br>13:14,24<br>15:10,12<br>16:17 18:4<br>18:16,18<br>19:1 20:8,8<br>20:11,23<br>22:3,23<br><b>issued</b> 5:24<br>6:18,24 7:7<br>9:2 11:11<br>13:19<br><b>issues</b> 6:9 7:6<br>9:9 10:6,7<br>16:11 18:20<br>20:9 21:24<br>23:23<br><hr/> <b>J</b><br><hr/> <b>Jacob</b> 3:18 5:2<br>22:17,20<br>25:13<br><b>Jacob.schro...</b><br>3:19<br><b>James</b> 3:4<br>4:14 5:16<br>25:16<br><b>Jameson</b> 1:18<br>2:2<br><b>Jday@fbm.c...</b><br>3:5<br><b>joined</b> 4:8<br><b>Joshua</b> 3:13<br>25:13<br><b>Joshua.gold...</b><br>3:14<br><b>Josua</b> 5:1<br><b>Judge</b> 4:5,6,16<br>4:21 5:5,14<br>6:6 7:1,19 |
|--|---|---|---|---|

|  |   |   |   |  |
|--|---|---|---|--|
| 8:2,13 9:6,25<br>11:18 13:15<br>14:5,9 15:6<br>15:14 16:7<br>16:25 17:7<br>18:3,11,14<br>19:22 20:17<br>21:12,15,17<br>22:15,21<br>23:7,11,21<br>24:5,8,14<br><b>Judges</b> 1:16<br>2:2 4:9<br><b>Juliet</b> 1:17 2:2                        | <b>Lee</b> 1:18 2:2<br>4:9<br><b>legal</b> 11:7<br><b>Leo</b> 3:9 4:18<br>25:17<br><b>let's</b> 16:12<br><b>limit</b> 16:4<br><b>limitation</b><br>10:20,24<br>12:11,14,17<br>12:19,25<br>17:25 19:11<br>19:12<br><b>limitations</b><br>10:15 14:17<br>16:14 18:25<br>19:8<br><b>limited</b> 10:5<br>21:23 22:4<br><b>limits</b> 17:17<br><b>line</b> 4:12,17<br>5:3,4<br><b>little</b> 10:2 12:5<br><b>Llam@keker...</b><br>3:10<br><b>LLC</b> 1:4 25:16<br><b>LLP</b> 3:3 25:17<br><b>long</b> 15:1<br>21:10<br><b>longer</b> 23:25<br><b>looked</b> 11:22<br><b>lot</b> 11:16 13:9 | <b>meet</b> 5:11<br><b>mention</b> 23:18<br><b>mentioned</b> 5:8<br>10:1 17:12<br>20:1 22:1,9<br><b>mentioning</b><br>7:6<br><b>merely</b> 9:19<br><b>mind</b> 16:18<br><b>misrepresen...</b><br>14:22<br><b>Mitchell</b> 1:17<br>2:2<br><b>moment</b> 22:17<br><b>moments</b><br>18:12<br><b>Montgomery</b><br>3:3<br><b>months</b> 6:19<br><b>moot</b> 23:16,25<br><b>morning</b> 4:20<br><b>motion</b> 23:15<br>23:24<br><b>motions</b> 23:16<br><b>Murdock</b> 7:17<br>10:23 22:2 | <b>object</b> 8:6,16<br><b>objection</b> 8:17<br><b>offer</b> 19:20<br><b>OFFICE</b> 1:1<br><b>officer</b> 25:4<br><b>okay</b> 7:1,12<br>8:2,23 14:5<br>18:11 21:12<br>21:17 24:5,8<br><b>ones</b> 16:23<br><b>opening</b> 15:22<br>16:8,10,16<br>20:23 21:1,4<br>21:7,20<br>22:11,25<br>23:3<br><b>opinion</b> 11:25<br>15:1<br><b>opposition</b><br>15:23<br><b>option</b> 15:21<br>15:25 16:8<br>17:13<br><b>order</b> 21:5<br>22:3 24:6<br><b>original</b> 12:21<br><b>ought</b> 15:12<br><b>overall</b> 7:5<br><b>owner</b> 1:8 3:11<br>4:24 5:1 6:21<br>8:5,12 10:10<br>11:7,19 16:1<br>18:4 20:24<br>22:24 23:2<br>25:12<br><b>owner's</b> 16:16 | <b>pages</b> 15:22<br>15:24 17:17<br>17:20,25<br>18:1,2,8,10<br>21:11,23<br>22:9<br><b>Palo</b> 3:18<br><b>panel</b> 21:17<br>23:17<br><b>parallel</b> 6:18<br><b>Park</b> 3:17<br><b>part</b> 7:14 15:11<br><b>particular</b><br>12:25 21:25<br><b>particularly</b><br>22:7<br><b>parties</b> 5:11,14<br>5:17,23 6:3<br>6:10 7:15,25<br>15:18,21,23<br>16:8,9,21<br>17:18 21:19<br>22:10,12<br>23:14 25:20<br><b>parts</b> 19:18<br><b>party</b> 16:24<br>17:22 23:8<br>25:12<br><b>patent</b> 1:1,2,8<br>1:11,16 2:2<br>3:11 4:7,23<br>5:1 6:21 8:5<br>8:11 10:10<br>11:6,11,19<br>12:8,9 16:1<br>16:16 18:4<br>20:24 22:24<br>23:2 25:12<br><b>patience</b> 18:14<br><b>Pause</b> 18:13<br><b>personal</b><br>25:22<br><b>perspective</b> |
| <b>K</b>   |   |   |   |  |
| <b>Kathleen</b> 1:24<br>2:5 25:2<br><b>keep</b> 14:22<br><b>Keker</b> 3:7<br>25:18<br><b>kind</b> 17:12<br>20:15<br><b>Kinder</b> 1:19<br>2:3 4:9<br><b>know</b> 6:20<br>10:19 11:4<br>11:23 16:22<br>17:2 18:7<br>19:17 21:9<br>21:11 23:19 |   |   |   |  |
| <b>L</b>   |   |   |   |  |
| <b>L</b> 1:19 2:3 3:4<br>3:9,13 25:13<br>25:16,17<br><b>Lam</b> 3:9 4:18<br>4:18 25:18<br><b>language</b><br>11:14<br><b>law</b> 20:10,13<br><b>lay</b> 18:8<br><b>laying</b> 21:2<br>22:4   | <b>M</b>  |   |   |  |
|  | <b>making</b> 14:14<br><b>March</b> 1:14 2:3<br>4:1 25:9,23<br><b>Martel</b> 3:3<br>25:17<br><b>matter</b> 15:2<br><b>matters</b> 9:5,8<br>9:11<br><b>means</b> 15:3  | <b>N</b>  |   | <b>P</b>   |
|  |   | <b>N</b> 4:2<br><b>necessarily</b><br>13:7 15:20<br><b>need</b> 8:22 9:3<br>9:21 10:7<br>11:25 23:22<br><b>needs</b> 13:7<br><b>Nest</b> 3:7 25:18<br><b>new</b> 3:12 21:5<br><b>note</b> 25:8<br><b>notes</b> 16:12<br><b>Number</b> 4:8<br><b>NW</b> 3:12   |   | <b>P</b> 4:2<br><b>p.m</b> 2:4 4:1<br>24:19 25:9<br>25:10<br><b>page</b> 17:17   |
|  |   | <b>O</b>  |   |  |
|  |   | <b>O</b> 4:2  |   |  |

|  |   |   |   |   |
|--|---|---|---|---|
| 19:5<br><b>Peters</b> 3:7<br>25:18<br><b>petitioner</b> 1:5<br>3:2 4:13,15<br>4:17,19 8:3<br>9:25 16:1<br>17:14,15<br>18:21,23<br>22:23 23:1,3<br>23:13 25:16<br><b>petitioner's</b><br>16:10 19:6<br>20:14<br><b>petitioners</b><br>7:12<br><b>places</b> 11:1<br><b>please</b> 14:2<br>24:9<br><b>point</b> 5:25 6:7<br>6:8 10:17<br>15:5,7<br><b>pointed</b> 13:23<br><b>pointing</b> 10:25<br><b>points</b> 19:4<br><b>position</b> 9:7<br>9:16 12:2,6<br>21:2<br><b>possibilities</b><br>17:13<br><b>postdate</b> 6:16<br><b>practical</b> 15:2<br><b>precluded</b><br>14:14<br><b>preclusion</b><br>9:17 10:10<br>11:21 12:3,5<br>12:24 16:17<br>18:4,17 19:1<br>20:9 22:24<br><b>preferred</b><br>17:13<br><b>present</b> 25:11 | <b>previously</b><br>12:4<br><b>primarily</b> 8:4<br><b>prior</b> 7:18 22:2<br><b>procedure</b><br>4:10 5:9<br>17:10<br><b>proceeding</b><br>6:12 9:12<br>12:9,10,15<br>12:20 13:5<br>20:1 22:8<br>24:1,10<br><b>proceedings</b><br>12:12 18:13<br>24:19 25:5,7<br>25:8<br><b>Professional</b><br>25:3<br><b>Promptu</b> 1:7<br>15:8 25:12<br><b>proposal</b><br>15:15 17:9<br><b>propose</b> 17:1<br><b>proposed</b> 7:13<br><b>proposing</b><br>6:10 16:10<br>18:21<br><b>PTAB</b> 6:1<br><b>purpose</b> 4:9<br>5:8<br><b>purposes</b><br>13:21 | <b>R</b> 4:2<br><b>radar</b> 23:20<br><b>raise</b> 7:9 16:11<br>20:22,23<br><b>raised</b> 6:7<br><b>reach</b> 5:14<br><b>reached</b> 7:15<br><b>readily</b> 11:4<br><b>ready</b> 17:5<br><b>really</b> 16:4<br><b>reason</b> 13:6,25<br><b>reasoning</b><br>14:16<br><b>reasons</b> 9:15<br>12:23<br><b>received</b> 5:21<br><b>record</b> 25:7<br><b>reference</b> 7:17<br><b>referenced</b><br>11:21 18:5<br>18:17<br><b>referencing</b><br>11:24<br><b>refile</b> 23:18<br><b>regarding</b><br>18:16,16<br><b>Registered</b><br>25:2<br><b>rehearing</b> 9:2<br>9:14 13:10<br>13:12,18<br>14:1,6,24,25<br>15:3,8<br><b>rejected</b> 10:23<br><b>relate</b> 18:20<br><b>related</b> 7:8<br>11:11 25:19<br><b>relates</b> 9:9<br>12:9<br><b>relating</b> 4:7<br><b>relationship</b><br>18:22<br><b>relevant</b> 6:25 | 7:8 9:18<br>11:15 16:15<br>20:4,6 22:7<br><b>remand</b> 4:10<br>5:9<br><b>remanded</b><br>6:23<br><b>reply</b> 16:2<br>17:16 21:9<br><b>Reported</b> 1:23<br><b>reporter</b> 1:24<br>2:7 5:3 25:1<br>25:3<br><b>request</b> 8:7<br>9:2 13:10,11<br>13:15,17<br>14:1,6,23,25<br>15:2,8 18:19<br>21:19 24:8<br><b>require</b> 10:7<br>10:18<br><b>Research</b> 3:17<br><b>reserve</b> 7:22<br><b>resolve</b> 23:25<br><b>respond</b> 7:23<br>10:11 11:9<br>12:2 15:9,13<br>16:24 17:6<br><b>responding</b><br>17:25 18:10<br>21:10<br><b>response</b> 16:9<br>17:15 18:2<br>20:17,25<br>21:21 22:12<br>23:4<br><b>responsive</b><br>23:4<br><b>right</b> 7:23<br><b>Robert</b> 1:19<br>2:3<br><b>RPR-RMR-C...</b><br>1:25 2:6 | <b>S</b><br><b>S</b> 4:2<br><b>San</b> 3:4,8<br><b>saying</b> 14:22<br>23:24<br><b>says</b> 9:9<br><b>scenario</b> 17:20<br><b>Schroeder</b><br>3:18 5:2,16<br>22:19,20<br>24:17 25:13<br><b>second</b> 5:25<br>6:7 10:22<br>11:6 15:24<br>17:21<br><b>see</b> 8:25 16:12<br>22:17<br><b>seeks</b> 8:4<br><b>sense</b> 17:18<br>19:16 20:6<br>20:10<br><b>sequential</b><br>15:25 16:5<br>17:19,22<br>21:5<br><b>SESSION</b> 4:3<br><b>set</b> 7:25 13:9<br>13:14<br><b>short</b> 21:9,9<br><b>Shorthand</b> 2:7<br><b>side</b> 15:9,10<br>23:14<br><b>similar</b> 20:21<br><b>simple</b> 9:15<br><b>simply</b> 14:15<br><b>simultaneous</b><br>16:7 17:19<br>17:23 21:20<br>21:21<br><b>simultaneou...</b><br>15:22,23<br><b>single</b> 13:21<br><b>soon</b> 24:11 |
|  | <b>Q</b><br><b>qualifies</b> 7:17<br>22:2<br><b>question</b> 5:6<br>18:16 19:23<br>20:22 23:17<br><b>questions</b> 6:6<br>7:2 22:13   |   |   |   |
|  | <b>R</b>  |   |   |   |

|  |  |   |  |  |
|--|--|---|--|--|
| <b>sorry</b> 19:21<br>23:13<br><b>sort</b> 7:23 11:7<br><b>sought</b> 9:14<br><b>sound</b> 10:4<br><b>speaking</b><br>19:25 23:12<br><b>specific</b> 17:10<br><b>split</b> 16:18<br><b>Stanford</b> 3:17<br><b>started</b> 10:12<br><b>State</b> 2:8 25:3<br><b>STATES</b> 1:1<br><b>Stenographic</b><br>1:24 2:7<br><b>Stenotype</b><br>25:8<br><b>Street</b> 3:3,8<br><b>strong</b> 7:11<br><b>subsequent</b><br>6:1 20:20<br><b>subsequently</b><br>12:17<br><b>substantive</b><br>6:8<br><b>sufficient</b> 9:21<br>11:23 17:21<br><b>suggesting</b><br>6:14 24:4<br><b>summary</b> 7:3<br><b>suppose</b> 21:22<br>21:25<br><b>sure</b> 9:6 10:9<br>14:21 20:14<br><b>surreply</b> 16:2<br>17:16<br><b>suspect</b> 8:11<br>23:22<br><b>Systems</b> 1:7<br>25:12 | 23:21<br><b>taken</b> 25:5,8<br><b>takes</b> 10:25<br>11:16<br><b>talk</b> 14:3,24<br>19:6<br><b>talked</b> 15:19<br>16:3 17:12<br><b>talking</b> 15:3<br>19:9,11<br><b>Telephone</b> 3:5<br>3:9,14,19<br><b>telephonically</b><br>2:5<br><b>telling</b> 9:19<br><b>ten</b> 15:22,24<br>17:17 18:1,2<br>18:8 21:23<br>22:9<br><b>ten-page</b> 16:3<br><b>term</b> 5:21<br>10:13 11:1<br><b>Thank</b> 5:5<br>18:14 22:20<br>22:21 24:7<br>24:12,14,16<br>24:17<br><b>thereof</b> 2:5<br><b>thing</b> 19:9,17<br>23:10<br><b>things</b> 24:1<br><b>think</b> 4:21 6:15<br>6:19,25 7:4,5<br>7:14,25 8:10<br>8:20 10:12<br>10:17,24<br>11:15,16,17<br>15:11 16:5<br>17:11,17,20<br>19:4,17<br><b>thinking</b> 16:21<br><b>three</b> 17:4,5<br>22:10,11 | <b>time</b> 2:4 4:1<br>17:4<br><b>timeline</b> 16:25<br><b>today</b> 4:8,10<br>5:9,12 21:24<br>22:25<br><b>topic</b> 11:6<br>21:13<br><b>topics</b> 10:2,12<br>16:19 18:23<br>22:3,4<br><b>TRADEMARK</b><br>1:1<br><b>transcript</b><br>24:10 25:6<br><b>TRIAL</b> 1:2<br><b>true</b> 25:6<br><b>two</b> 5:18 10:12<br>15:19,21<br>16:5,6 17:13 | <b>virtually</b> 11:13<br>11:13<br><b>vs</b> 1:6   | 10:21 11:3<br>12:21  |
|  |  |   | <b>W</b>   | <b>X</b>   |
|  |  |   | <b>want</b> 8:11,14<br>14:21 15:7<br>18:23 21:13<br><b>wanted</b> 8:20<br>23:10<br><b>wants</b> 8:12<br><b>warranted</b><br>13:2<br><b>Washington</b><br>3:13<br><b>wasn't</b> 15:1<br><b>way</b> 20:15<br><b>ways</b> 9:11<br><b>we'll</b> 21:18<br>22:3,9<br><b>we're</b> 9:20<br>15:3 19:9,25<br>21:19 24:15<br><b>we've</b> 5:19,19<br>6:15 16:3,6<br>16:23<br><b>Wednesday</b><br>1:14 2:3<br><b>weeks</b> 17:4,5<br>22:10,11<br><b>went</b> 21:4<br><b>weren't</b> 6:4<br><b>Wilkins</b> 1:24<br>2:6 25:2<br><b>words</b> 9:10<br>18:22<br><b>works</b> 20:9<br><b>worthwhile</b> 7:9<br><b>wouldn't</b> 8:7<br>8:16<br><b>written</b> 5:24<br>6:3,4,16,18<br>6:24 10:16 | <b>Y</b><br><b>Yeah</b> 18:6<br><b>York</b> 3:12   |
|  |  |   |  | <b>Z</b>   |
|  |  |   |  | <b>0</b>   |
|  |  |   |  | <b>1</b>   |
|  |  |   |  | 1 15:21<br><b>10068</b> 1:24<br><b>17th</b> 3:3  |
|  |  |   |  | <b>2</b>   |
|  |  |   |  | 2 15:25<br><b>2:01</b> 2:4 4:1<br>25:9<br><b>2:32</b> 24:19<br>25:10<br><b>20001-4413</b><br>3:13<br><b>202</b> 3:14<br><b>2021</b> 1:14 2:3<br>4:1 25:9,23<br><b>235</b> 3:3<br><b>24</b> 1:14 2:3 4:1<br><b>24th</b> 25:9<br><b>26th</b> 25:23<br><b>27</b> 12:19<br><b>2nd</b> 3:17 |
|  |  |   |  | <b>3</b>   |
|  |  |   |  | <b>3300</b> 3:17<br><b>344</b> 9:18 12:10<br>12:20 13:20<br>13:22<br><b>345</b> 7:8 8:22<br>9:17 11:22<br>12:8,9,15  |
| <b>T</b>   |  | <b>U</b>  |  |  |
| <b>take</b> 18:11  |  | <b>U.S</b> 4:7<br><b>understand</b><br>8:5 9:7 10:2<br>10:6 15:14<br><b>understandi...</b><br>8:3 9:10 10:4<br><b>understood</b><br>8:14 11:19<br>11:20 23:6<br><b>UNITED</b> 1:1<br><b>unpatentable</b><br>12:14,16,23<br>13:2,4 19:13<br><b>unrelated</b> 21:6<br><b>update</b> 20:20<br><b>useful</b> 5:18<br>10:17                          |  |  |
|  |  | <b>V</b>  |  |  |
|  |  | <b>Van</b> 3:7 25:18<br><b>view</b> 7:5 9:4<br>17:20 20:7   |  |  |

|                              |  |  |  |  |
|------------------------------|--|--|--|--|
| 13:20 20:2                   |  |  |  |  |
| <b>4</b>                     |  |  |  |  |
| <b>408</b> 3:14              |  |  |  |  |
| <b>415</b> 3:5,9             |  |  |  |  |
| <b>5</b>                     |  |  |  |  |
| <b>6</b>                     |  |  |  |  |
| <b>6092</b> 3:14             |  |  |  |  |
| <b>633</b> 3:8               |  |  |  |  |
| <b>650</b> 3:19              |  |  |  |  |
| <b>676-2246</b> 3:9          |  |  |  |  |
| <b>6765</b> 3:19             |  |  |  |  |
| <b>7</b>                     |  |  |  |  |
| <b>7,047,196</b> 1:11<br>4:8 |  |  |  |  |
| <b>8</b>                     |  |  |  |  |
| <b>849</b> 3:19              |  |  |  |  |
| <b>9</b>                     |  |  |  |  |
| <b>901</b> 3:12              |  |  |  |  |
| <b>94104</b> 3:4             |  |  |  |  |
| <b>94111</b> 3:8             |  |  |  |  |
| <b>94304-1203</b><br>3:18    |  |  |  |  |
| <b>954-4414</b> 3:5          |  |  |  |  |