

UNITED STATES INTERNATIONAL TRADE COMMISSION

In the Matter of:)	
)	Investigation No.
CERTAIN DIGITAL VIDEO)	337-TA-1158
RECEIVERS, BROADBAND GATEWAYS,)	
AND RELATED HARDWARE AND)	
SOFTWARE COMPONENTS)	

OPEN SESSIONS

Pages: 1277 through 1591 (with excerpts)
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Rovi EX2015
Comcast v. Rovi
IPR2020-00787

1 disclosed on the 25th. I can provide an email string
2 where it's disclosed.

3 JUDGE McNAMARA: Well, let's start. I am
4 going to take this under consideration, but I'm
5 inclined not to let him use it. I think if he can
6 describe the connectivity, that's what he did in his
7 report.

8 Typically, I mean, demonstratives are not
9 evidence, but you're using it to support his
10 evidence, and, as a factual predicate, that is
11 something that should have been disclosed earlier.
12 You should have informed them, I think, that you were
13 going to be using that.

14 MR. PADMANABHAN: Your Honor, why don't
15 we -- here is what I would propose. Why don't we, as
16 we get towards that -- I think Mr. Powers is trying
17 to basically -- because we're shadowboxing a little
18 bit here, because the reality is that, I think once
19 you see how it's about to be used, we can discuss it
20 at that time, and I it may be much less objectionable
21 than either Mr. Powers thinks or the Court may.

22 JUDGE McNAMARA: Let's see, then. Let's
23 go forward. I'll note the objection. When we get
24 there, I'm sure it will arise again. Let me hear
25 what the doctor is saying, and then I'll rule on it.

1 MR. POWERS: Thank you, Your Honor.

2 MR. DAVID: Your Honor, as we begin the
3 presentation of evidence, for the '855 patent,
4 Mr. Ramani has some information for the Court on that
5 patent.

6 JUDGE McNAMARA: Very good.

7 Good morning, Mr. Ramani.

8 MR. RAMANI: Good morning, Your Honor. I
9 just wanted to advise the Court that, once we were
10 able to assess the state of the record over the
11 weekend, Comcast has decided not to proceed with
12 invalidity as to the '855 patent.

13 JUDGE McNAMARA: Very good.

14 MR. RAMANI: So Comcast is proceeding
15 simply with noninfringement. Just for the record,
16 Your Honor, if I may state, Comcast, of course,
17 continues to contend that the patent is invalid and
18 is making this decision based on the current state of
19 the record without any prejudice to any other
20 proceedings.

21 JUDGE McNAMARA: Well, that's a tough one.
22 You can state what you like, but it is withdrawn for
23 purposes of these proceedings.

24 So if you would, please, file a simple
25 statement on EDIS that, again, that invalidity with

1 respect to the '855 patent has been withdrawn. It's
2 just a one-paragrapher that you should file on EDIS.
3 In fact, I noticed last week Comcast did file the
4 list of terms that it also withdrew as being
5 indefinite. So it's the same kind of filing.

6 In fact, both sides should be aware that, as
7 issues are abandoned or waived, you really should be
8 filing that on EDIS so we don't take up unnecessary
9 claims, issues, defenses, anything that we don't need
10 to take up during the post-hearing briefing.

11 MR. RAMANI: We're happy to do that, Your
12 Honor. Just so that Your Honor knows, this decision
13 was made just yesterday. We informed counsel for
14 Rovi yesterday evening. We wanted to inform Your
15 Honor as soon as we had the first opportunity to do
16 so.

17 JUDGE McNAMARA: Well, it's a smart
18 decision actually. And it's one that I do
19 appreciate, because when you -- I'm looking at the
20 state of the evidence as we go through and I'm making
21 notes about which issues are gone, or at what point,
22 and so forth so that we go into a fairly streamlined
23 ID knowing what's in, what's out. Those are the
24 types of notes I make while I'm going through, while
25 I'm listening.

1 CERTIFICATE OF REPORTER

2 TITLE: CERTAIN DIGITAL VIDEO RECEIVERS, BROADBAND
3 GATEWAYS, AND RELATED HARDWARE AND SOFTWARE
COMPONENTS

4 INVESTIGATION NO.: 337-TA-1158


5 HEARING DATE: January 27, 2020

6 LOCATION: Washington, D.C.

7 NATURE OF HEARING: Administrative Hearing

8 I hereby certify that the foregoing/attached
9 transcript is a true, correct and complete record of
the above-referenced proceedings of the U.S.
International Trade Commission.

10 Date: January 27, 2020

11 Signed: 12 Signature of the Contractor or the Authorized
Contractor's Representative13 I hereby certify that I am not the court
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above-referenced transcript of the proceedings of the
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hyphenation, punctuation and speaker identification
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17 The foregoing/attached transcript is a true, correct
and complete transcription of the proceedings.18 Signed: 19 I hereby certify that I reported the
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