

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

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SAMSUNG ELECTRONICS AMERICA, INC.

and SAMSUNG ELECTRONICS CO., LTD.,

Petitioner,

vs.

SMARTFLASH LLC,

Patent Owner.

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CASES:   CBM2014-00194,   CBM2014-00199  
          (Patent 8,118,221 B2)  
          CBM2014-00190  
          (Patent 7,334,720 B2)  
          CBM2014-00192  
          (Patent 8,033,458 B2)  
          CBM2014-00193  
          (Patent 8,061,598 B2)

TELEPHONIC CONFERENCE

Tuesday, May 5, 2015

2:00 p.m.

Reported by:  
Maureen Ratto, RPR, CCR  
Job No: 39073

1 B E F O R E:

2 HON. JENNIFER S. BISK,

3 HON. RAMA G. ELLURU,

4 HON. JEREMY M. PLENZLER,

5 HON. MATTHEW R. CLEMENTS,

6 Administrative Patent Judges

7  
8 A P P E A R A N C E S:

9 For the Petitioner:

10 FISH & RICHARDSON, LLP

11 1425 K Street, NW, 11th Floor

12 Washington DC 20005

13 BY: W. KARL RENNER, ESQ.

14 renner@fr.com

15 THOMAS ROZYLOWICZ, ESQ.

16 rozylowicz@fr.com

17  
18 For the Patent Owner:

19 DAVIDSON BERQUIST JACKSON & GOWDEY, LLP

20 8300 Greensboro Drive, Suite 500

21 McLean, VA 22102

22 (571) 765-7700

23 BY: MICHAEL R. CASEY, ESQ.

24 mcasey@dbjg.com

25

1 JUDGE ELLURU: This is Rama  
2 Elluru, and I have Judges Bisk,  
3 Clements and Plenzler on the line with  
4 me. This is the initial conference call  
5 for CBM2014 00190, -192, -193 and -194  
6 and -199, Samsung against Smartflash.

7 Can we have counsel for  
8 Petitioner identify themselves, please?

9 MR. RENNER: Yes. This is Carl  
10 Renner from Fish & Richardson, and I'm  
11 joined by Tom Rozylowicz and Andrew  
12 Patrick.

13 JUDGE BISK: Thank you, Mr.  
14 Renner. Do you expect anyone else  
15 today?

16 MR. RENNER: No, we don't.  
17 Thank you.

18 JUDGE BISK: Is there a court  
19 reporter at your request on this line?

20 MR. RENNER: There is not.

21 MR. ROZYLOWICZ: There is a  
22 court reporter, I believe at the  
23 request of Patent Owner.

24 JUDGE BISK: And can Patent  
25 Owner please identify counsel?

1 MR. CASEY: Yes, your Honor.

2 Michael Casey of Davidson Berquist  
3 Jackson & Gowdey, and yes, we did  
4 arrange for a court reporter.

5 JUDGE BISK: And we would like  
6 that the transcript of today's  
7 teleconference be filed as an exhibit  
8 in this case. Thank you.

9 So we received a list of  
10 proposed motions by Patent Owner but  
11 not Petitioner, is that correct,  
12 Mr. Renner?

13 MR. RENNER: That is correct,  
14 your Honor.

15 JUDGE ELLURU: So Mr. Casey,  
16 let's go through your list of motions  
17 starting with the first one, which is  
18 titled "Motion For Routine Discovery".

19 MR. CASEY: Yes, your Honor.

20 JUDGE ELLURU: Are you requesting  
21 authorization for -- to file a motion  
22 for discovery at this point?

23 MR. CASEY: Yes, your Honor. And  
24 Owner wishes to file a motion for  
25 routine discovery to obtain documents

1           that relate to non-infringing  
2           alternatives and arguments of  
3           non-infringement in the District Court  
4           litigation identified in the list of  
5           proposed motions, as I believe, it is  
6           proper under the routine discovery  
7           requirements.

8                         JUDGE ELLURU: You have the  
9           evidence that Petitioner has allegedly  
10          taken in his deposition by saying that  
11          the claims result in preemption here  
12          and saying they don't infringe in the  
13          District Court.

14                        What other evidence are you  
15          looking for that is relevant to the  
16          issues in this trial?

17                        MR. CASEY: I'm sorry, your  
18          Honor. I didn't understand your  
19          question. Would you mind repeating it?

20                        JUDGE ELLURU: Sure. You clearly  
21          have evidence that Petitioner allegedly  
22          took an inconsistent position in a  
23          District Court by saying that they  
24          don't infringe and then saying here  
25          that the claims result in preemption,

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