

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:

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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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