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CBM2015-00028, Paper No. 42

CBM2015-00029, Paper No. 41

571-272-7822

March 8, 2016

RECORD OF ORAL HEARING  
UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC., ET AL.,

Petitioner,

vs.

SMARTFLASH LLC,

Patent Owner.

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CBM2015-00028 (Patent 7,334,720)

CBM2015-00029 (Patent 7,334,720)

Technology Center 2800

Oral Hearing Held: Wednesday, January 6, 2016

Before: JENNIFER S. BISK; RAMA G. ELLURU; GREGG ANDERSON (via video link); and MATTHEW R. CLEMENTS (via video link); Administrative Patent Judges.

The above-entitled matter came on for hearing on Wednesday, January 6, 2016, at 2:16 p.m., Hearing Room B, taken at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

REPORTED BY: RAYMOND G. BRYNTESON, RMR,

CRR, RDR

APPEARANCES:

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

2 (2:16 p.m.)

3 JUDGE ELLURU: This is the final hearing for  
4 CBM2015-00028 and CBM2015-00029, Apple Inc. against  
5 Smartflash LLC. CBM2015-00125, Google, Inc. against  
6 Smartflash LLC has been consolidated with these cases.

7 To my right is Judge Bisk. And I'm going to ask  
8 anyone who is on the line to mute their line, please.

9 I'm Judge Elluru. To my right is Judge Bisk, and  
10 appearing remotely from San Jose is Judge Clements and from  
11 San Diego is Judge Anderson. And I will ask again for anyone  
12 on the line to mute, to please mute their lines.

13 Let's begin with appearances of counsel, starting  
14 with Petitioner Apple.

15 MR. BAUGHMAN: Your Honor, Steve Baughman  
16 and Jim Batchelder, along with Cyndi Wheeler on the phone  
17 from Apple.

18 JUDGE ELLURU: Thank you. Petitioner Google?

19 MR. HOLMES: Your Honor, Andrew Holmes on  
20 behalf of Google, and with me from Google is Patrick Weston.

21 JUDGE ELLURU: Thank you. And Patent Owner?

22 MR. CASEY: Michael Casey on behalf of  
23 Smartflash LLC.

24 JUDGE ELLURU: Each party, Petitioner Apple  
25 and Patent Owner Smartflash, will have 30 minutes each of

1 total time to present arguments in these two cases. Petitioner  
2 Apple has the burden so it will go first. Then Patent Owner  
3 Smartflash will argue its opposition to Petitioner's case. And  
4 then, if Petitioner Apple has reserved any time, Petitioner can  
5 use that time for rebuttal.

6 Please remember that Judges Clements and  
7 Anderson cannot see whatever is being projected on the  
8 screen. So when you refer to a demonstrative on the screen,  
9 please state the slide number so these judges can follow along  
10 and so we have a clear transcript.

11 Also, please make clear at all times to which case  
12 and to which claim the particular argument relates. I will use  
13 the clock on the wall in the hearing room to time you and I  
14 will give you a warning when you are getting to the end of  
15 your allotted time.

16 Mr. Baughman, you may proceed when you are  
17 ready.

18 MR. BAUGHMAN: Good afternoon, Your Honors.  
19 May it please the Board. We would like to reserve eight  
20 minutes of our time for rebuttal, please.

21 As before, particularly given the time limits here  
22 today, we rely on the positions and evidence Apple provided in  
23 briefing to support our arguments in these two trials, on the  
24 '720 patent.

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