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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

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC., ET AL.,

Petitioner,

vs.

SMARTFLASH LLC,

Patent Owner.

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

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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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