

[trials@uspto.gov](mailto:trials@uspto.gov)

CBM2015-00121, Paper 31  
CBM2015-00123, Paper 30  
CBM2015-00124, Paper 30  
CBM2015-00126, Paper 30  
CBM2015-00130, Paper 32  
CBM2015-00127, Paper 30  
CBM2015-00131, Paper 32  
CBM2015-00133, Paper 36  
October 5, 2016

571-272-7822

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

APPLE INC. and GOOGLE, INC.,  
Petitioner,

v.

SMARTFLASH LLC,  
Patent Owner.

---

CBM2015-00121 (Patent 8,794,516)  
CBM2015-00123 (Patent 8,033,458)  
CBM2015-00124 (Patent 7,942,317)  
CBM2015-00126 (Patent 8,118,221)  
CBM2015-00130 (Patent 8,118,221)  
CBM2015-00127 (Patent 7,334,720)  
CBM2015-00131 (Patent 8,061,598)  
CBM2015-00133 (Patent 8,336,772)

---

Held: July 18, 2016

---

CBM2015-00121 (Patent 8,794,516)  
CBM2015-00123 (Patent 8,033,458)  
CBM2015-00124 (Patent 7,942,317)  
CBM2015-00126 (Patent 8,118,221)  
CBM2015-00130 (Patent 8,118,221)  
CBM2015-00127 (Patent 7,334,720)  
CBM2015-00131 (Patent 8,061,598)  
CBM2015-00133 (Patent 8,336,772)

BEFORE: JENNIFER S. BISK, RAMA G. ELLURU,  
JEREMY M. PLENZLER, GREGG I. ANDERSON, and  
MATTHEW R. CLEMENTS, Administrative Patent Judges.

The above-entitled matter came on for hearing on Monday, July  
18, 2016, commencing at 1:00 p.m., at the U.S. Patent and  
Trademark Office, 600 Dulany Street, Alexandria, Virginia.

CBM2015-00121 (Patent 8,794,516)  
CBM2015-00123 (Patent 8,033,458)  
CBM2015-00124 (Patent 7,942,317)  
CBM2015-00126 (Patent 8,118,221)  
CBM2015-00130 (Patent 8,118,221)  
CBM2015-00127 (Patent 7,334,720)  
CBM2015-00131 (Patent 8,061,598)  
CBM2015-00133 (Patent 8,336,772)

APPEARANCES:

ON BEHALF OF THE PETITIONER (APPLE):

J. STEVEN BAUGHMAN, ESQ.  
JAMES R. BATCHELDER, ESQ.  
Ropes & Gray LLP  
2099 Pennsylvania Avenue, N.W.  
Washington, DC 20006-6807

ON BEHALF OF THE PETITIONER (GOOGLE):

ANDREW M. HOLMES, ESQ.  
Quinn Emanuel Urquhart & Sullivan, LLP  
50 California Street, 22nd Floor  
San Francisco, California 94111

ON BEHALF OF PATENT OWNER:

MICHAEL R. CASEY, Ph.D., ESQ.  
Davidson Berquist Jackson & Gowdey, LLP  
8300 Greensboro Drive, Suite 500  
McLean, Virginia 22102

CBM2015-00121 (Patent 8,794,516)  
CBM2015-00123 (Patent 8,033,458)  
CBM2015-00124 (Patent 7,942,317)  
CBM2015-00126 (Patent 8,118,221)  
CBM2015-00130 (Patent 8,118,221)  
CBM2015-00127 (Patent 7,334,720)  
CBM2015-00131 (Patent 8,061,598)  
CBM2015-00133 (Patent 8,336,772)

1    P R O C E E D I N G S

2    -   -   -   -   -

3    JUDGE ELLURU: Good afternoon. This is the final  
4 oral hearing for CBM2015-00121, 123, 124, 127, 130, 131, 133,  
5 and CBM2015-00126. I'm Judge Elluru, to my right is Judge  
6 Bisk, and appearing remotely are Judges Anderson, Clements and  
7 Plenzler.

8    Could we have appearances of counsel, please.

9    MR. BAUGHMAN: Your Honor, Steve Baughman,  
10 Jim Batchelder and Megan Raymond from Ropes & Gray for  
11 Petitioner Apple, Inc., and with us in the courtroom is Cyndi  
12 Wheeler from Apple.

13    JUDGE ELLURU: And for Patent Owner?

14    MR. CASEY: Michael Casey, Your Honor, Davidson,  
15 Berquist, Jackson & Gowdey on behalf of Patent Owner  
16 Smartflash LLC.

17    MR. HOLMES: Your Honor, also Andrew Holmes on  
18 behalf of Google, and with me here today is Ken Maikish from  
19 Google as well.

20    JUDGE ELLURU: Thank you. Per our hearing order,  
21 Petitioners have an hour to present their cases, followed by Patent

CBM2015-00121 (Patent 8,794,516)  
CBM2015-00123 (Patent 8,033,458)  
CBM2015-00124 (Patent 7,942,317)  
CBM2015-00126 (Patent 8,118,221)  
CBM2015-00130 (Patent 8,118,221)  
CBM2015-00127 (Patent 7,334,720)  
CBM2015-00131 (Patent 8,061,598)  
CBM2015-00133 (Patent 8,336,772)

1 Owner, who also has an hour to present its case. With that, we  
2 would like to begin.

3 MR. BAUGHMAN: Thank you, Your Honor. Good  
4 afternoon, may it please the Board. At the outset, we would like  
5 to reserve 30 minutes of our time for rebuttal, if we may.

6 JUDGE ELLURU: Thirty minutes?

7 MR. BAUGHMAN: Of which we will reserve three  
8 minutes for Google, which is Petitioner in CBM2015-00126 and  
9 joined with us in the 00133 matter. Google will also speak  
10 briefly in the last two minutes of these opening comments.

11 JUDGE ELLURU: Counsel, I just didn't catch what  
12 you said, 30 minutes for your rebuttal?

13 MR. BAUGHMAN: Thirty minutes for rebuttal,  
14 please, and we are giving three minutes of those to the Google  
15 proceedings.

16 JUDGE ELLURU: Thank you.

17 MR. BAUGHMAN: And, Your Honor, as before,  
18 given our short time limits, Petitioners rely on the positions and  
19 evidence we've provided in briefing to support our arguments on  
20 the seven patents at issue in these trials. To assist the Board in  
21 considering that record, just as in the November 9th and January  
22 6th hearings on 101 issues on these and related Smartflash

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.