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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

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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.

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

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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

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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

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