

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

KYOCERA CORPORATION,
Petitioner

v.

PATENT OF SOFTVIEW, INC.,
Patent Owner

Case IPR2013-00004
IPR2013-00257
Patent 7,831,926

Case IPR2013-00007
IPR2013-00256
Patent 7,461,353

Before BRIAN McNAMARA, STACEY WHITE (VIA VIDEO HOOKUP)
AND BRYAN MOORE, *Administrative Patent Judges*.

RECORD OF ORAL HEARING

1 APPEARANCES:

2 ON BEHALF OF THE PETITIONER:

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11 ON BEHALF OF THE PATENT OWNER:

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1 PROCEEDINGS

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3 JUDGE MCNAMARA: Good morning. Everybody be seated.
4 Okay. Good morning again and welcome to the Board, the Patent Trial
5 Appeal Board. Today we have the oral hearing in, let me see, Case IPR
6 2013-00004, which has been joined with IPR 2013-00257 and IPR
7 2013-00007, which has been joined with IPR 2013-00256.

8 We have allowed, I believe, three hours for these hearings. And
9 I think the trial order basically says we'll hear, let me see, first from the
10 Petitioner on the underlying case. I think we have an issue also pending on
11 the -- we have an issue pending on claim construction, and we also have a -- is
12 there a motion to exclude, I think?

13 So, we'll hear from the Petitioner first on the underlying issues.
14 Then we'll hear from the Patent Owner -- the Patent Owner, and then we'll go
15 from there. Is everybody ready to proceed?

16 MR. CHU: We are, Your Honor.

17 MR. LU: Yes.

18 JUDGE MCNAMARA: Let's begin with the Petitioner. Did
19 you want to reserve some time or anything?

20 MR. COHEN: Yes. We would like to reserve approximately
21 45 minutes or so, at least the time we don't use for rebuttal.

22 JUDGE MCNAMARA: Okay. So, you expect this to be about
23 a 45-minute discussion?

24 MR. COHEN: Yes, Your Honor.

1 JUDGE MCNAMARA: Okay.

2 MR. COHEN: My name is Eric Cohen. I represent Petitioner
3 Kyocera Corporation. With me is my associate, Michael Tomsa, my partner,
4 Richard Bower, both with -- all of us are with the law firm of Katten Munchin
5 Rosenman, LLP. With me also is Ms. Maria Nelson, who is the chief IP
6 counsel of Kyocera.

7 I should let my co-counsel introduce himself and his team, and
8 then we'll begin.

9 MR. ALEMANNI: Good morning, Your Honor, I'm John
10 Alemanni with Kilpatrick, Townsend & Stockton representing Mobility --
11 Motorola Mobility LLC. and with me is David Reece.

12 JUDGE MCNAMARA: Good morning, all.

13 MR. ALEMANNI: Good morning.

14 MR. COHEN: Good morning, Your Honor.

15 JUDGE MCNAMARA: Let me point out also that we have
16 Judge Stacey White remotely from Dallas, I believe.

17 JUDGE WHITE: Yes, Dallas.

18 JUDGE MCNAMARA: With me today, and this is Judge
19 Moore.

20 MR. COHEN: Good morning, Judge White. We're going to
21 focus in this hearing on certain issues of prior art and certain issues. We're
22 not waiving any other arguments. All the other arguments have been briefed.
23 Everything is fully briefed and we stand on our briefs.

24 So we would like to focus on what we think are some of the

1 more important issues in this hearing.

2 JUDGE MCNAMARA: Okay. I see you have some
3 demonstratives.

4 MR. COHEN: We do. We have some demonstrative exhibits.
5 We filed the demonstratives with the Board.

6 JUDGE MCNAMARA: Does the court reporter have a copy?

7 MR. COHEN: The court reporter does have a copy.

8 JUDGE MCNAMARA: Okay. Do you have another extra
9 copy? Another copy around that you can give us up here?

10 MR. COHEN: Yes. Now, in addition to the demonstratives,
11 we're also going to be looking at some pages from the record. So -- and we're
12 not going to do the demonstratives in order.

13 JUDGE MCNAMARA: That's perfectly fine.

14 MR. COHEN: Okay. So and I've got this clicker and I hope I
15 can hit the right button. I have been practicing, but I'm not sure I'm all that
16 good.

17 JUDGE MCNAMARA: Good luck.

18 MR. COHEN: Thank you. So we would like to start looking at
19 Claim 1 of the '353 Patent. This was a claim the Board characterized in one
20 of his decisions including the IPR as it represented a claim. And, so we chose
21 this claim just to highlight some of the issues here.

22 We have bracketed in blue the claim limitations that relate to
23 the hardware. This claim is a wireless device. Some of the claims that claim
24 wireless device as mobile devices, mobile phones. All of the hardware

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