

IPR2013-00567 - IPR2013-00568 - IPR2014-00541
APRIL 14, 2014 Conference Call

1

UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT TRIAL AND APPEAL BOARD

WINTEK CORPORATION,)
)
Petitioner,) Case IPR2013-00567
) Patent 8,217,902
vs.)
) Case IPR2013-00568
TPK TOUCH SOLUTIONS,) Patent 8,217,902
)
Patent Owner.) Case IPR2014-00541
) Patent 8,217,902
_____)

Monday, April 14, 2014

3:30 p.m. EST

Teleconference before the Patent Trial and Appeals Board, Judges Josiah C. Cocks, Richard E. Rice, and Adam V. Floyd presiding, the proceedings being recorded stenographically by Carrie LaMontagne, Certified Shorthand Reporter for the State of Oklahoma, License No. 1976, and transcribed under her direction.

Henderson Legal Services. Inc.

IPR2013-00567 - IPR2013-00568 - IPR2014-00541
APRIL 14, 2014 Conference Call

2

1 APPEARANCES OF COUNSEL (all appearing
2 telephonically):

3 On behalf of the Patent Trial and Appeal Board:

4 JOSIAH C. COCKS, ESQ., Administrative Law Judge

5

6 On behalf of the Party TPK TOUCH SOLUTIONS:

7 JOSEPH RICHETTI, ESQ.

8 BRYAN CAVE LLP

9 1290 Avenue of the Americas

10 New York, New York 10104

11 (212) 541-2000

12 joe.richetti@bryancave.com

13

14 and

15

16 DAVID BILSKER, ESQ.

17 QUINN EMANUEL URQUHART & SULLIVAN, LLP

18 50 California Street, 22nd Floor

19 San Francisco, California 94111

20 (415) 875-6600

21 davidbilsker@quinnemanuel.com

22

Henderson Legal Services. Inc.

IPR2013-00567 - IPR2013-00568 - IPR2014-00541
APRIL 14, 2014 Conference Call

3

1 On behalf of the Parties WINTECK CORPORATION:

2 JOSEPH E. PALYS, ESQ.

3 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, LLP

4 Two Freedom Drive

5 Reston, Virginia 20190

6 (571) 203-2700

7 joseph.palys@finnegan.com

8

9 and

10

11 NAVEEN MODI, ESQ.

12 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, LLP

13 901 New York Avenue, N.W.

14 Washington, D.C. 20005

15 (202) 408-4000

16 naveen.modi@finnegan.com

17

18

19

20

21

22

Henderson Legal Services. Inc.

1 PROCEEDINGS

2 MR. BILSKER: This is David Bilsker for
3 patent owner. Good afternoon, your Honors. So the
4 first issue that we have is something that was
5 discussed at the scheduling conference and it was the
6 witness statement of petitioner's expert,
7 Vivek Subramanian.

8 We believe that there was information in that
9 witness statement that was relevant to positions that
10 he was taking in this IPR, and we did do a meet
11 confer with petitioners; and I can't say that we are
12 actually in disagreement, but we're at an impasse.

13 The issue is that the expert, Dr. Subramanian,
14 does not actually have in his possession the witness
15 statement any longer and petitioners do not have it
16 either. So even if they wanted to give it to us,
17 they are not in a position to actually produce it to
18 us. So we're at somewhat of an impasse as to what to
19 do.

20 The witness statement belongs to Apple. They
21 were the ones that submitted his testimony in the ITC
22 proceedings in which the testimony came out. So it

1 seems that they would be really the only ones that
2 would be in a position to produce it to us.

3 JUDGE COCKS: This is Judge Cocks.

4 So what relief are you seeking from the board?

5 MR. BILSKER: Well, I guess we're seeking
6 one of two things. Either some guidance from the
7 board as to how to go about obtaining that witness
8 statement with the Board's assistance and/or leave
9 the file and motion to compel to obtain that witness
10 statement.

11 JUDGE COCKS: All right. Mr. Palys, do you
12 have any thoughts in that regard?

13 MR. PALYS: This is Joseph Palys.

14 My only thoughts are I wouldn't necessarily
15 agree that there is no disagreement. We -- from the
16 preliminary information that we received from the
17 patent owner, we don't think there's an inconsistent
18 statement; but as far as the facts are concerned,
19 that is true.

20 Our client does not have possession of this
21 material, nor does our expert. So we really couldn't
22 produce it even if there was a motion to compel or

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.