UNITED STATES PATENT AND TRADEMARK OFFICE
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BEFORE THE PATENT TRIAL AND APPEAL BOARD
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BROADCOM CORPORATION,
Petitioner,

v.

WI-FI ONE, LLC,
Patent Owner.

_____

Case IPR2013-00601
Patent 6,772,215
Case IPR2013-00602
Patent 6,466,568
Case IPR2013-00636
Patent 6,424,625

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Held: December 8, 2014

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BEFORE: KARL D. EASTHOM, KALYAN K. DESHPANDE, and
MATTHEW R. CLEMENTS, Administrative Patent Judges.

APPEARANCES:

ON BEHALF OF THE PETITIONER:
        DOMINIC E. MASSA, ESQUIRE
        Wilmer Cutler Pickering Hale and Dorr LLP
        60 State Street
        Boston, Massachusetts 02109

Case IPR2013-00601 Patent 6,772,215; Case IPR2013-00602
Patent 6,466,568; Case IPR2013-00636 Patent 6,424,625

ON BEHALF OF PATENT OWNER:
      PETER J. AYERS, ESQUIRE
      JOHN M. SHUMAKER, ESQUIRE
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      Austin, Texas 78750

The above-entitled matter came on for hearing on Monday, December 8, 2014, commencing at 1:00 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

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

2   -   -   -   -   -

3   JUDGE EASTHOM: Good afternoon.

4   Judge Clements, are you with us? We couldn't hear you.

5   JUDGE CLEMENTS: Do you hear me now?

6   JUDGE EASTHOM: Okay. Great. Welcome.

7   Welcome, everybody. This is Broadcom versus Ericsson.

8   We have three cases, IPR2013-601, 602 and 636; three patents

9   involved, 6,772,215, 6,466,568, 6,424,625.

10   The way we set out the hearing order, Ericsson will go --

11   I'm sorry, Broadcom will go first. Petitioner will reserve however

12   much you want out of your 90 minutes, then Patent Owner has the

13   burden on the amendments.

14   I understand there's only two cases you have amendments

15   in, right? Okay. And then if you want to reserve rebuttal time to

1   respond to whatever Petitioner says on behalf -- or about your

2   amendments, then we'll go from there.

3   We'll probably take a short break after Patent Owner, a

4   five-minute break, maybe give the stenographer a chance to rest and

5   the rest of us take a breather.

6   So with that, Petitioner introduce yourself, please.

7   MR. MASSA: Yes, Your Honor. Dominic Massa from

8   Wilmer Hale on behalf of Broadcom. And with me today from

9   Wilmer Hale is Mike Diener and Zach Piccolomini and Kate Saxton.

10   From Broadcom, Associate General Counsel Tony Drew, Associate

11   General Counsel Chris Perry and Managing Counsel Kris Dawes.

12   JUDGE EASTHOM: Welcome, everyone.

13   Are you going to start the case, Mr. Massa?

14   MR. MASSA: I will, Your Honor.

15   JUDGE EASTHOM: Okay. Whenever you're ready.

16   MR. MASSA: Your Honor, I have a copy of the

17   demonstratives. May I approach to hand those up?

18   JUDGE EASTHOM: Sure. Thank you.

19   MR. MASSA: I have three copies.

20   JUDGE EASTHOM: Thanks.

21   MR. MASSA: And, Your Honor, we propose to argue the

22   cases in the order of their filing numbers, starting with the 601 case.

23   If we can go to slide number 2 in the deck.

24   We'll start with the '215 patent, which was instituted on the

25   grounds of anticipation by the Seo reference. Now we're on slide

1   number 3. The '215 patent relates to a communication system in

2   which feedback messages are exchanged to acknowledge either

3   positively the acceptance of a packet or negatively to acknowledge

4   that a packet was not received.

5   Claim 1 is the one we'll discuss first. Slide 4 generally

6   shows the sequence of communication from an entity on the left,

7   communicating packets to the entity on the right and you'll see three

8   arrows down, between the second and third arrow down on the right

9   side, that S-PDU, ACK is an acknowledgment message, which is sent

10   from the receiver back to the transmitter, and it's that's exchange of

11   messages that the '215 is directed to.

12   We turn to slide 5. The admitted prior art in the '215 patent

13   describes two types of feedback messages. One is a list feedback

14   that's shown in Figure 2, which provides for the length of the feedback

15   message and then lists the sequence numbers SN of those packets,

16   which have either been received affirmatively or also negative

17   received acknowledgements, so NAKs. Those could be either ACKs

18   or NAKs.

19   In Figure 3 of the '215 shows a bitmap format. So instead

20   of providing the sequence number of the received packets, it provides

21   a starting sequence number and then a bitmap, which goes

22   sequentially to show which sequence number packets have been

23   received and which have not. Both the list format and the bitmap

24   format were acknowledged prior art.

1   Going to slide 6, the alleged invention of the '215 is

2   providing a type field to identify the type of feedback, and in Figure 4

3   the type equals bitmap and that's the same bitmap in the prior art and

4   Figure 5 shows the list, and, again, that's the same type of list we saw

5   in the admitted prior art. And the '215 patent claims as its invention

6   this provision of a type identifier to distinguish among different types

7   of feedback responses.

8   And that's what's claimed on slide 7, the constructing of a

9   message field for a second data unit. That's the data unit sent from the

10   receiver back to the transmitter, said message field including a type

11   identifier field.

12   Moving on to slide 8, the type identifier is the claim

13   element at issue here. The construction by the Board is on the screen

14   at slide 8. The type identifier field is, as construed by the Board in the

15   institution, a field of a message that identifies the type of that

16   message, as well as an alternative construction, but, first, I'll focus on

17   the narrower construction on which there was institution.

18   And slide 9 just shows the Board's decision in institution

19   and the claims on which the IPR has been instituted.

20   So let's get to the heart of the matter. The Seo patent

21   discloses exactly what is claimed in the '215 as the type identifier

22   field. It is highlighted on slide 10 in yellow. It's called NAK

23   underscore type. The specification at column 5, lines 54 through 57,

24   describes exactly what that field does. A field NAK type with a

25   length of two bits indicates a NAK type. That's precisely what the

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