

571-272-7822

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SKYHAWKE TECHNOLOGIES, LLC,
Petitioner,

v.

L&H CONCEPTS, LLC,
Patent Owner.

Cases IPR2014-00437 and IPR2014-00438
Patent 5,779,566

Held: April 27, 2015

BEFORE: JAMES T. MOORE, PATRICK R. SCANLON and
MITCHELL G. WEATHERLY, Administrative Patent Judges.

The above-entitled matter came on for hearing on Monday, April 27, 2015, commencing at 1:02 a.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

APPEARANCES:

ON BEHALF OF THE PETITIONER:

THOMAS J. FISHER, ESQUIRE
Oblon, McClelland, Maier & Neustadt, L.L.P.
1940 Duke Street
Alexandria, Virginia 22314

ON BEHALF OF PATENT OWNER:

BRIAN D. TUCKER, ESQ.
Kirton McConkie
World Trade Center
60 East South Temple
Salt Lake City, Utah 84111

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

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3 JUDGE MOORE: All right. We are here in the final
4 hearing for Inter Partes Reviews 2014-00437 and 00438.

5 Welcome. You may assume that the panel is intimately
6 familiar with all the facts and all of the pleadings in this case, along
7 with all of the evidence. As we proceed forward, you may tailor your
8 arguments to the points which you think we need to direct
9 particularized attention to. If you have an electronic device, kindly
10 mute it so it's not too disruptive of our proceedings.

11 The Petitioner is, of course, the person with the burden of
12 proof and persuasion in this instance, so they will go first. We will let
13 you reserve as much time as you might think you might need for
14 rebuttal. The Patent Owner, you're in the middle of all of that. So at
15 your leisure, Petitioner, feel free to approach and proceed.

16 MR. FISHER: Thank you, Your Honor.

17 Thomas Fisher on behalf of Petitioner Skyhawke
18 Technologies.

19 May I approach with copies of demonstratives?

20 JUDGE MOORE: You may, but we have them all
21 electronically, so it's not necessary.

22 MR. HOFFMAN: Your Honor, may I ask a quick question?

23 JUDGE MOORE: Sure. Is your microphone on?

1 MR. HOFFMAN: There wasn't a trial order that we saw.
2 Do you know how long which I will have so we can plan accordingly?

3 JUDGE MOORE: Well, we have reserved on the calendar
4 here two hours. I don't think we'll need that much, but I -- you know,
5 I would accord to each side an hour, but I fully expect we will take
6 less that than.

7 MR. HOFFMAN: Yes, sir.

8 MR. FISHER: Your Honor, we expect to take 20 minutes or
9 so for opening and reserve the rest.

10 JUDGE MOORE: That's where I thought we might be.

11 MR. FISHER: The '566 patent describes a handheld
12 recording device for golf. As with all such devices, it includes a
13 microprocessor, a memory and an LCD display. Figure 4, which is
14 displayed over here, illustrates the keypad that is included to interact
15 with the device.

16 The keypad is a simplified keypad rather than a full
17 alphanumeric keypad. It includes an entry key, which allows the user
18 to navigate between the screens, and left and right and up and down
19 keys. The left and right arrows allow you to tab between fields to find
20 a selected field and the up and down keys allow you to scroll through
21 the acceptable values for that field.

22 This type of interface is what is referred to in the '566 patent
23 and by the parties and their experts as a screen-dependent input
24 mechanism. The screen-dependent input mechanisms were
25 well-known when the '566 patent was filed and were used in a wide

1 variety of devices, like pagers, personal computers, handheld games,
2 like the Game Boy, T.V.s, VCRs, watches, handheld GPS devices and
3 a host of others.

4 Finally, as a person skilled in the art would expect, the '566
5 patent describes the organization of the screens, of the interface in the
6 temporal and logical fashion, another well-known and obvious
7 concept.

8 It does so by referring to the screens of the interface as
9 pre-game screens where you can enter information that will be used
10 during the game. In other words, a pre-game screen is a well-known
11 game setup screen where you enter or modify data that will be used or
12 referred to during the game.

13 The '566 patent also describes game interactive screens that
14 would be used during the game to enter data as you play. Finally, the
15 '566 patent refers to post-game screens where you can review your
16 performance after the game.

17 These are the basic features of the device that are described
18 in the '566 patent and in the challenged claims. The claims of the '566
19 patent only require two main and simple features.

20 The first is that the device is able to set up a game, collect
21 data during the game and then review that data after the game. The
22 second is that the user can navigate through the screens using a
23 screen-dependent input mechanism, such as the four or five-key
24 interface shown here.

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