

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ERICSSON INC. and  
TELEFONAKTIEBOLAGET LM ERICSSON,  
Petitioner,

v.

INTELLECTUAL VENTURES II LLC,  
Patent Owner.

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Case IPR2014-01195  
Patent 7,787,431 B2

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Held: September 10, 2015

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BEFORE: JAMESON LEE, JUSTIN BUSCH, and J. JOHN  
LEE, Administrative Patent Judges.

The above-entitled matter came on for hearing on Thursday,  
September 10, 2015, commencing at 2:00 p.m., at the U.S. Patent  
and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

Case IPR2014-01195  
Patent 7,787,431 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

J. ANDREW LOWES, ESQ.  
CLINT WILKINS, ESQ.  
Haynes and Boone, LLP  
2505 North Plano Road, Suite 4000  
Richardson, Texas 75082-4101  
and

BEN WESTOVER, ESQ.  
Ericsson  
6300 Legacy Drive  
Plano, Texas 75024

ON BEHALF OF PATENT OWNER:

HERBERT D. HART, III, ESQ.  
SHARON A. HWANG, ESQ.  
RAJENDRA A. CHIPLUNKAR, ESQ.  
McAndrews Held & Malloy LTD  
500 West Madison Street, 34th Floor  
Chicago, Illinois 60661

and

JAMES R. HIETALA, ESQ.  
Intellectual Ventures  
3150 139th Avenue, S.E.  
Bellevue, Washington 98005

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P R O C E E D I N G S

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2 JUDGE BUSCH: Please be seated. Good afternoon,  
3 everyone, and welcome. This afternoon, we have the oral  
4 argument for IPR2014-01195, captioned Ericsson, Incorporated  
5 and Telefonaktiebolaget LM Ericsson versus Intellectual  
6 Ventures II LLC. I'm Judge Justin Busch, joining you remotely  
7 from Detroit, and in the room with you are Judges Jameson Lee  
8 and John Lee.

9 Let's start with the parties' appearances, please. Who is  
10 here for Petitioner?

11 MR. LOWES: I'm Andrew Lowes, lead counsel for  
12 Petitioner, Ericsson.

13 MR. WILKINS: Clint Wilkins, backup counsel for  
14 Ericsson.

15 JUDGE BUSCH: And please speak into the  
16 microphone.

17 MR. LOWES: Sorry about that, Your Honor, I'm  
18 Andrew Lowes, lead counsel for Petitioner, Ericsson, and with  
19 me at counsel table is Clint Wilkins, backup counsel for Ericsson.  
20 Then also joining us today is in-house counsel for Ericsson, Ben  
21 Westover.

22 JUDGE BUSCH: Thank you.

23 And for Patent Owner?

24 MR. HART: Good afternoon, Your Honors, my name  
25 is Herb Hart, lead counsel for Patent Owner, and with me today

1 are my backup counsel, Sharon Hwang, who will be presenting  
2 our argument, and our backup counsel Rajendra Chiplunkar, who  
3 will be assisting.

4 JUDGE BUSCH: Thank you, and welcome both, again.  
5 You're aware of the procedure for today's hearing that we set out  
6 in our trial order, but just to remind you of a couple of issues.  
7 Each party will have 45 minutes of total time to present your  
8 arguments, and please keep in mind, as already occurred, that I  
9 won't be able to hear you or see you if you're not at the podium. I  
10 also won't be able to see what you're presenting on screen if  
11 you're using one, so when you refer to an exhibit, on the screen,  
12 please state for the record the exhibit and page number or for  
13 demonstratives the slide number you're referring to. It's also  
14 important for clarity in the transcript.

15 And as I said, with the microphones, please make sure  
16 you're pretty close to them if you are trying to make any sort of  
17 statement.

18 As you also know, the Petitioner has the burden and  
19 goes first, and may reserve time for rebuttal at the start of your  
20 argument, and then Patent Owner will have the opportunity to  
21 present its response.

22 Are there any questions from Petitioner's counsel?

23 MR. LOWES: No, Your Honor.

24 JUDGE BUSCH: And Patent Owner?

25 MR. HART: No, Your Honor.

1 JUDGE BUSCH: Okay, thank you.

2 Mr. Lowes, would you like to reserve any time for  
3 rebuttal?

4 MR. LOWES: Yes, Your Honor, I would like to  
5 reserve 10 minutes for rebuttal after Patent Owner's presentation.

6 JUDGE BUSCH: Great, thank you, and you may begin  
7 when you're ready.

8 MR. LOWES: All right. Well, thank you, and good  
9 afternoon. As I already said, I'm Andrew Lowes, I represent the  
10 Petitioner, Ericsson, in this matter, and for my presentation today,  
11 I would like to start with just a brief overview of claim 1 of the  
12 '431 patent, followed by a short summary of the primary  
13 references, then I will go through additional evidence and  
14 arguments from the record, some of which has occurred since the  
15 institution decision that further supports and confirms the Board's  
16 decision that claims 1 and 2 are unpatentable, and that that  
17 decision should remain unchanged.

18 If we could, please, move to slide 5 of Exhibit 1040.  
19 This is claim 1, reproduced on the left, and as you can see, claim  
20 1 describes a method of establishing a downlink communication  
21 session from a base station to a mobile. The claim in the  
22 preamble sets forth that it's a variable bandwidth wireless  
23 communication system communicating under different  
24 communication schemes that each have a different bandwidth.

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