

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

E-WATCH, INC.,
Patent Owner.

Case IPR2015-00414
Patent 7,643,168 B2

Held: February 24, 2016

BEFORE: JAMESON LEE, GREGG I. ANDERSON, and
MATTHEW R. CLEMENTS, Administrative Patent Judges.

The above-entitled matter came on for hearing on Wednesday,
February 24, 2016, commencing at 2:00 p.m., at the U.S. Patent
and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

Case IPR2015-00414
Patent 7,643,168 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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ON BEHALF OF PATENT OWNER (Via teleconference) :

DAVID O. SIMMONS, ESQ.
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1 MR. BUROKER: Yes, your Honor, Brian Buroker
2 from Gibson Dunn on behalf of Apple. With me today is my
3 colleague, Blair Silver, as well as in-house counsel from Apple,
4 Kim Moore.

5 JUDGE ANDERSON: Thank you, Mr. Buroker.
6 And for Patent Owner? Hopefully Mr. Simmons is on
7 the line and can hear me.

8 MR. SIMMONS: Yes, Your Honor, I can hear you.
9 Thank you. David Simmons, I'm back-up counsel for Patent
10 Owner E-Watch.

11 JUDGE ANDERSON: Very good.

12 MR. SIMMONS: And as you know, Your Honor,
13 Mr. Curfiss was unable to make the proceedings today, for
14 reasons that he elaborated on.

15 JUDGE ANDERSON: Right. I think we've already
16 covered the fact that you're going to present the argument and
17 Mr. Curfiss isn't going to be here in our prior order. So, that's
18 perfectly okay.

19 At this time, Mr. Buroker, whoever is going to present
20 the argument on behalf of Petitioner may go ahead and proceed.
21 Let me know how much time you would like to reserve for
22 rebuttal and I will give you a one-minute warning for that.

23 JUDGE JAMESON LEE: This is Judge Lee. I see
24 there's someone at the Patent Owner's table, but is that also a
25 representative of Petitioner?

1 MR. BUROKER: Yes, Your Honor, we were just
2 trying to, for convenience, have the person running the computer
3 over there, if that's okay.

4 JUDGE JAMESON LEE: Sure. Thank you.

5 MR. BUROKER: I have hard copies for Judge Lee and
6 I actually have a copy of Patent Owner's slides as well, if you
7 would like those.

8 JUDGE JAMESON LEE: I do. Thank you.

9 MR. BUROKER: May I approach?

10 JUDGE JAMESON LEE: Yes.

11 MR. BUROKER: Judge Anderson, if I may have 10
12 minutes for rebuttal, that would be appreciated. And I think
13 we've lost Judge Anderson on the screen. Is he still there?
14 Should I proceed?

15 JUDGE JAMESON LEE: We should have both judges
16 on the screen. Here we go.

17 MR. BUROKER: Thank you, Your Honors, may it
18 please the Board, my name is Brian Buroker for Petitioner Apple.
19 As I said, I would like to reserve 10 minutes of my time for
20 rebuttal.

21 Your Honors, the statute, regulations and case law here
22 compel a finding that claims 1 to 31 of the '168 patent are invalid
23 as anticipated in light of the related but previously published PCT
24 application, which is Exhibit 1006, also referred to in the papers
25 as the Monroe application, or the Monroe PCT publication.

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