

RECORD OF ORAL HEARING  
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,

Petitioners,

v.

INTELLECTUAL VENTURES II LLC,

Patent Owner.

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Case IPR2015-01664

Patent 7,787,431 B2

Technology Center 2400

Oral Hearing Held: Thursday, October 6, 2016

Before: JAMESON LEE, JUSTIN BUSCH (via video link),  
and J. JOHN LEE, Administrative Patent Judges.

The above-entitled matter came on for hearing on Thursday,  
October 6, 2016, at 1:30 p.m., Hearing Room B, taken at the U.S. Patent and  
Trademark Office, 600 Dulany Street, Alexandria, Virginia.

REPORTED BY: RAYMOND G. BRYNTESON, RMR,  
CRR, RDR

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P R O C E E D I N G S

(1:30 p.m.)

JUDGE BUSCH: Good afternoon, everyone.

Welcome. This afternoon we have oral argument for IPR2015-01664, captioned Ericsson, Incorporated and Telefonaktiebolaget LM Ericsson versus Intellectual Ventures II LLC.

I'm Judge Busch, joining remotely from Detroit.

In the room with you, you have Judge Jameson Lee and Judge John Lee.

Let's start with the parties' appearances, please, and start with Petitioner.

MR. LOWES: Thank you, Your Honor. This is Andrew Lowes. I'm lead counsel for Petitioner, Ericsson. And with me today at counsel table is Dr. Clint Wilkins, backup counsel, and also with us today is Jennifer Wells, in-house counsel for Ericsson.

JUDGE BUSCH: Thank you. And for Patent Owner?

MS. HWANG: Good afternoon, Your Honor. Sharon Hwang for Patent Owner, Intellectual Ventures. With me today is Raj Chiplunkar. And we also have from Intellectual Ventures James Hietala. Thank you so much.

JUDGE BUSCH: Thank you. Thank you again and welcome again. Our trial order set forth the procedures for

1 today's hearing. I'm sure you are both familiar with it but I  
2 would like to briefly remind everyone of a few things.

3 First, keep in mind that I may not be able to see  
4 the screen that you may be projecting any sort of exhibits or  
5 demonstratives on, so when referring to exhibits or  
6 demonstratives, please mention the exhibit and page number  
7 or the demonstrative slide number. This also helps for clarity  
8 in the record.

9 Also, if you step away from the microphones I will  
10 not be able to hear you, so please make sure that when you are  
11 presenting anything you are near the microphone.

12 Each party will have 45 minutes total time to  
13 present arguments. Petitioner has the burden and goes first  
14 and may reserve time for rebuttal at the start of its argument  
15 if it wishes. Patent Owner then has the opportunity to present  
16 its response.

17 I will try to give each of you a warning as you  
18 near the end of your time. So with respect to that, Mr. Lowes,  
19 do you want perceive reserving any time for rebuttal?

20 MR. LOWES: Yes, Your Honor. I would like to  
21 reserve 10 minutes for rebuttal, please.

22 JUDGE BUSCH: Okay. Thank you. Unless there  
23 are any questions from either Petitioner or Patent Owner,  
24 please speak up if you have any, otherwise Petitioner may  
25 begin when ready.

1 MR. LOWES: First, I think, Judge Lee and Judge  
2 Lee, would you like paper copies of the demonstratives?

3 JUDGE JAMESON LEE: I would like to have  
4 them, yes.

5 MR. LOWES: Okay. My colleague here will  
6 provide those.

7 JUDGE JAMESON LEE: Thank you.

8 JUDGE JOHN LEE: Thank you.

9 MR. LOWES: I think I'm ready.

10 JUDGE BUSCH: You may begin.

11 MR. LOWES: Thank you. Again, I'm Andrew  
12 Lowes, lead counsel for Petitioner, Ericsson, in  
13 IPR2015-1664. In terms of, as we have already discussed, I  
14 would like to reserve 10 minutes for rebuttal.

15 With my 35 minutes of presentation on the initial  
16 portion I would like to divide that as follows: First just  
17 provide a brief overview, particularly of claim 8 to the '431  
18 patent, along with a brief summary of the prior art references  
19 that are being applied to the claim, followed by a discussion  
20 of the evidence and arguments from the record, both that  
21 occurred prior to institution as well as those arguments and  
22 evidence that have come in since institution.

23 As the evidence will show, the Board's initial  
24 conclusion set forth in the Institution Decision should remain

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