

RECORD OF ORAL HEARING

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SIERRA WIRELESS AMERICA, INC., SIERRA WIRELESS,
INC., and RPX CORP.,

Petitioner,

v.

M2M SOLUTIONS LLC,

Patent Owner.

Case IPR2015-01823

Patent 8,648,717 B2

Technology Center 2600

Oral Hearing Held: Monday, December 5, 2016

Before: KALYAN K. DESHPANDE, JUSTIN T. ARBES,
and DANIEL J. GALLIGAN (via video link), Administrative Patent Judges.

The above-entitled matter came on for hearing on Monday,
December 5, 2016, at 10:00 a.m., Hearing Room A, taken at the U.S. Patent
and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

REPORTED BY RAYMOND G. BRYNTESON, RMR, CRR,

RDR

APPEARANCES:

ON BEHALF OF THE PETITIONER:

JENNIFER HAYES, ESQ.

Nixon Peabody LLP

300 South Grand Avenue, Suite 4100

Los Angeles, California 90071-3151

213-629-6000

RONALD LOPEZ, ESQ.

Nixon Peabody LLP

One Embarcadero Center, Suite 1800

San Francisco, California 94111

415-984-8368

ON BEHALF OF THE PATENT OWNER:

JEFFREY N. COSTAKOS, ESQ.

Foley & Lardner LLP

777 East Wisconsin Avenue

Milwaukee, Wisconsin 53202-5306

414-297-5782

P R O C E E D I N G S

(10:00 a.m.)

JUDGE DESHPANDE: You may be seated. Good morning. We are here for the oral arguments for IPR2015-01823 for Patent Number 8,648,717. This morning will be for IPR2015-01823 and this afternoon will be for IPR2016-00055.

To my right is Judge Arbes and on the screen with us today is Judge Galligan from Dallas.

Let's have the parties' appearance. Who do we have for Petitioner?

MR. HAYES: Good morning, Your Honors. Jennifer Hayes from Nixon Peabody for the Petitioners. And with me today is Mr. Lopez.

MR. LOPEZ: Good morning.

JUDGE DESHPANDE: And who do we have for Patent Owner?

MR. COSTAKOS: Good morning, Your Honor. Jeff Costakos, Foley & Lardner, for the Patent Owner, M2M Solutions.

JUDGE DESHPANDE: Welcome to the Patent Trial and Appeal Board. For this morning's case we have given total oral argument time of two hours, one hour to each side. Petitioner bears the burden of proof and will speak first. You may reserve time for rebuttal. After you have completed

1 your argument, Patent Owner will have their full hour to
2 speak, and you may use your rebuttal time after Patent Owner
3 has presented their arguments.

4 I want to remind everybody, we have Judge
5 Galligan on through Dallas, and he cannot hear you if you
6 don't speak into the microphone. So any time you are
7 speaking, please make sure you are standing in front of the
8 podium and into the microphone.

9 Also, since he is with us remotely, if you are
10 referring to an exhibit and demonstrative numbers, please
11 identify what you are looking at with clarity so that Judge
12 Galligan can follow us from remotely.

13 Does anyone have any questions before we begin?
14 All right, Petitioner.

15 MR. LOPEZ: One question. Is he seeing the slides
16 that are on the screen then?

17 JUDGE DESHPANDE: I don't believe he is seeing
18 the slides on the screen as they are seen here. He has the
19 demonstratives in front of him. As long as you identify that
20 you are on demonstrative page 15, he can turn to page 15, and
21 so on.

22 MR. LOPEZ: Okay. Thank you.

23 MS. HAYES: Good morning, Your Honors. I
24 would like to reserve 20 minutes for rebuttal, please.

1 May it please the Board. We are here today to talk
2 about U.S. Patent 8,648,717, Exhibit 1001 to the proceedings.
3 I will be referring to it as the '717 patent.

4 Turning to slide 5 of Petitioner's demonstrative,
5 Patent Owner didn't separately challenge claims 24, 29, so I'm
6 going to focus most of my arguments today with respect to
7 independent claim 1, although I will point out some
8 differences about claims 24 and 29 as we move forward.

9 And Patent Owner didn't separately challenge all
10 of the dependent claims, so I'm going to focus on the
11 dependent claims that Patent Owner focused on in their
12 response.

13 And for the reasons set forth in the petition and in
14 our reply, Petitioners contend that all of the claims at issue in
15 the proceeding are unpatentable as obvious over the prior art
16 and should be cancelled.

17 So moving to slide 6 of Petitioner's demonstrative,
18 we have claim 1 up on the screen. We also have a big board
19 that has claim 1 printed out. I'm sure the Board is all familiar
20 with it. As set forth in the petition we kind of broke it out by
21 letters so that the preamble is 1a, the programmable interface
22 is 1b, et cetera.

23 And so today we're going to focus mostly on the
24 claim limitations that Patent Owner focused on which are the
25 programmable interface which is element 1b in the petition,

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