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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

CORE WIRELESS LICENSING S.A.R.L.,
Patent Owner.

Case IPR2015-01898 (Patent 8,434,020 B2)
Case IPR2015-01899 (Patent 8,713,476 B2)

Held: December 14, 2016

BEFORE: JAMESON LEE, DAVID C. McKONE, and KEVIN W. CHERRY, Administrative Patent Judges.

The above-entitled matter came on for hearing on Wednesday, December 14, 2016, commencing at 1:30 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

APPEARANCES:

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P R O C E E D I N G S

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JUDGE CHERRY: Good afternoon. This is the hearing in IPRs 2015-1898 and 1899, Apple Inc versus Core Wireless Licensing S.A.R.L. Counsel, will you please make your appearances.

MR. BAUGHMAN: Your Honor, Steve Baughman and Megan Raymond from Ropes & Gray for petitioner, Apple Inc. We have a representative from Apple, Cyndi Wheeler.

MR. HELGE: Good afternoon, Your Honor. Wayne Helge for the patent owner. I have with me my partner, Walter Davis, and we have representatives, Mr. Burt and Mr. Anderson from the patent owner as well.

JUDGE CHERRY: Thank you. In addition to myself and Judge Lee, we also have Judge McKone remote in the Midwest office in Detroit. So when you speak, please speak into the microphone so that Judge McKone can hear what you are saying. And also, please when you are going through your demonstratives, please refer to the slide number so that Judge McKone can follow along.

Mr. Baughman, you are the petitioner. Would you like to begin.

MR. BAUGHMAN: Thanks, Your Honor. Judge McKone, please feel free to remind me if I stray away from the podium. I apologize in advance.

Good afternoon, may it please the Board, at the outset we would like to reserve 20 minutes of our time for rebuttal, if we may.

Turning to petitioner's slide 4, particularly given the time we have today, petitioner is going to rely on the positions and evidence we have offered the Board in briefing to support our arguments that the '020 and '476 patents at issue here and in particular the challenged claims are invalid as obvious over the permutations of prior art we've laid out on slide 4. As Your Honors can see, we have a number of demonstratives available in this case on particular topics, if they should arise, along with a table of abbreviations showing the source of that information and a table of contents. But we certainly don't plan to address all of that today. Instead, what we would propose to do is address in this opening discussion three topics along with any questions the Board may have.

Turning to slide 5, this afternoon I'll first briefly address several points on claim construction of terms that respectfully the patent owner distorts in an attempt to read in a raft of extra limitations that are not supported by the record here and attempt to navigate around the prior art. Actually, for a number of them, patent owner does not even try to link the constructions to an issue in these trials.

Second, I will touch on a few of patent owner's primary arguments about Schnarel, that's Exhibit 1004, which alone or in combination renders all the claims obvious.

And then third, my colleague, Ms. Raymond, is going to address the Nason reference, our second primary prior art reference.

Before we jump into that, I would like to offer to observations of the kind of evidence the Board has before it and the kind of evidence it does not. First, we would note that patent owner has pivoted a bit from some of the arguments raised in the preliminary response. So as stated in the Board's scheduling order, that's paper 8 at 3 and 1898, patent owner has waived any arguments that don't appear in that patent owner response.

And the second point we would ask the Board to consider as you listen to today's arguments is the nature of what patent owner is urging here. We are starting off with the very short disclosures of the '020 and '476 patents at issue. They are about four and a half columns, give or take, before the claims. And they are simply about GUIs, graphical user interfaces, and trying to improve navigation among menus, which were already known.

So patent owner's attempt to lard up claim construction and distinguish the prior art here all go to a level of implementation detail that is simply absent from the '020 and '476 patents. So as we hear patent owner today arguing about software sitting on top of an operating system or trying to delineate between applications and what is or isn't in some abstracted application layer model, it's helpful to bear in mind that those things never appear as requirements of the patents.

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