

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG ELECTRONICS, INC.,
Petitioner,

v.

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

Case IPR2015-01984
Patent 8,434,020 B2

**PATENT OWNER'S MOTION FOR OBSERVATIONS ON CROSS-
EXAMINATION OF V. THOMAS RHYNE**

Pursuant to the Scheduling Order dated March 17, 2016 (Paper 8), Patent Owner timely moves for observations on cross-examination in light of Patent Owner's cross-examination of Petitioner's witness, V. Thomas Rhyne on October 25, 2016. The transcript of Dr. Rhyne's cross-examination testimony is being filed as exhibit 2011 ("Ex. 2011"), which includes Exhibit A marked for identification at the deposition. Exhibit A is a portion of Random House Webster's Computer & Internet Dictionary, 3rd Edition, which was filed as Exhibit 1028 by petitioner Apple Inc. in co-pending IPR2015-01899. The remaining exhibits used at the deposition of Dr. Rhyne are already of record in this proceeding and are not included as part of Ex. 2011.

Observations on Cross-Examination

1. Ex. 2011 at 11:11-12:7: Dr. Rhyne's testimony confirms that he received Ex. 1010 from "the attorneys representing LG," and therefore this testimony is relevant to whether Dr. Rhyne can authenticate Ex. 1010.
2. Ex. 2011 at 12:8-14:8: Dr. Rhyne's testimony confirms that he received Ex. 1011 from the attorneys representing LG, and therefore this testimony is relevant to whether Dr. Rhyne can authenticate Ex. 1011.
3. Ex. 2011 at 14:11-15:10: Dr. Rhyne's testimony confirms that he received Ex. 1012 from "the attorneys representing LG," and therefore

- this testimony is relevant to whether Dr. Rhyne can authenticate Ex. 1012.
4. Ex. 2011 at 15:11-16:7: Dr. Rhyne’s testimony confirms that he received Ex. 1013 from “the attorneys representing LG,” and therefore this testimony is relevant to whether Dr. Rhyne can authenticate Ex. 1013.
 5. Ex. 2011 at 26:17-31:18: Dr. Rhyne testifies that there were four types of programming schemes that were available or known to a POSITA as of July 2000 “for implementing functions in a mobile phone” (Ex. 2011 at 28:19-22).
 - a. “monolithic” code (Ex. 2011 at 27:17-21);
 - b. “Separate applications on top of an application programming interface to an operating system.” (Ex. 2011 at 29:17-19);
 - c. “a single application on top of an API that then communicates with an operating system” (Ex. 2011 at 30:9-11; 30:12-16); and
 - d. “separate applications that were written but not atop an API to an operating system[,] where the application had to itself develop the code that was necessary to take advantage of the facilities that are available in the phone, which would normally be supported by the OS.” (Ex. 2011 at 30:22-31:6).

- e. This testimony is relevant to whether Petitioner has carried its burden of proof of establishing obviousness of the challenged claims over Blanchard.
6. Ex. 2011 at 33:9-35:5: Dr. Rhyne testifies on the factors that a POSITA would have considered in selecting one of the four types of programming schemes that were available or known to a POSITA as of July 2000 “for implementing functions in a mobile phone” (Ex. 2011 at 28:19-22). This testimony is relevant to whether Dr. Rhyne and Petitioner “disclose the underlying facts or data on which [Dr. Rhyne’s] opinion [regarding Blanchard] is based.” *See* 37 C.F.R. § 42.65(a).
7. Ex. 2011 at 42:11-14: Dr. Rhyne agrees that a POSITA “would have had to choose a programming scheme in order to implement Blanchard.” This testimony is relevant to whether Petitioner has carried its burden of proof of establishing obviousness of the challenged claims over Blanchard.
8. Ex. 2011 at 43:4-6: Dr. Rhyne previously agreed that a POSITA “would have had to choose a programming scheme in order to implement Blanchard,” and here agrees that this choice would be based on the factors he identified. This testimony is relevant to whether Petitioner has

- carried its burden of proof of establishing obviousness of the challenged claims over Blanchard.
9. Ex. 2011 at 28:3-18; 36:1-11: Dr. Rhyne confirms that a POSITA as of the relevant time would have known how to write monolithic software, and would have known how to implement Blanchard’s menu structure with monolithic code (*i.e.* without applications). This testimony is relevant to whether Petitioner has carried its burden of proof of establishing obviousness of the challenged claims over Blanchard.
 10. Ex. 2011 at 36:14-21: Dr. Rhyne confirms that a POSITA as of the relevant time would have known how to implement Blanchard’s menu structure with a single application on top of an API with an operating system. This testimony is relevant to whether Petitioner has carried its burden of proof of establishing obviousness of the challenged claims over Blanchard.
 11. Ex. 2011 at 36:22-37:6: Dr. Rhyne confirms that a POSITA as of the relevant time would have known how to implement Blanchard’s menu structure with multiple applications without an operating system, but that this would have been more difficult without an “efficiently written operating system.” This testimony is relevant to whether Petitioner has

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