

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS AMERICA, INC., AND SAMSUNG
ELECTRONICS CO. LTD., AND APPLE INC. AND LG ELECTRONICS,
INC.,
Petitioner,

v.

FASTVDO LLC,
Patent Owner.

Case IPR2016-01179
Case IPR2016-01203
Patent 5,850,482

Record of Oral Hearing
Held: August 24, 2017

Before KARL D. EASTHOM, JEFFREY S. SMITH, and PATRICK M.
BOUCHER, *Administrative Patent Judges.*

Case IPR2016-01179 (Patent 5,850,482)

Case IPR2016-01203 (Patent 5,850,482)

APPEARANCES:

ON BEHALF OF THE PETITIONER, SAMSUNG
ELECTRONICS AMERICA, INC., AND SAMSUNG
ELECTRONICS CO. LTD., AND APPLE INC. AND LG
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The above-entitled matter come on for hearing on Thursday, August 24,
2017, at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria,
Virginia in Courtroom A, at 10:02 a.m.

1 PROCEEDINGS

2 JUDGE SMITH: Good morning. Welcome to the Patent
3 Trial and Appeal Board.

4 We're here this morning to hear inter partes review
5 number 2016-01179. Samsung is the Petitioner. FastVDO is
6 the Patent Owner.

7 I'd like to start by getting appearance of counsel.
8 Who do we have here on behalf of Petitioner?

9 MR. TODDY: Your Honor, Derrick Toddy from
10 Klarquist Sparkman, LLP, on behalf of Petitioners, Samsung
11 Electronics America, Inc., and Samsung Electronics Company
12 Limited.

13 I'd also like to introduce Rett Snotherly with me
14 today from Samsung.

15 JUDGE SMITH: Thank you.

16 Who do we have on behalf of Patent Owner?

17 MR. HELGE: Good morning, Your Honor. My name is
18 Wayne Helge. I'm here from the firm of Davidson, Berquist,
19 Jackson & Gowdey. And with me is my backup counsel, Walter
20 Davis.

21 JUDGE SMITH: Thank you.

22 I'd like to go over a few administrative details
23 quickly before we begin. Our trial hearing order indicated

1 that there would be 30 minutes of argument for each side.

2 Petitioner, you will go first presenting your

3 case-in-chief.

4 Patent Owner, you will then be allowed to respond

5 to Petitioner.

6 Petitioner, if you wish, you may reserve time for

7 rebuttal. Do you wish to do so?

8 MR. TODDY: Yes, Your Honor. I'd like to reserve

9 ten minutes, please.

10 JUDGE SMITH: Ten minutes for rebuttal. Thank you.

11 One administrative detail as well. When you're

12 referencing your demonstrative slides, please make sure you

13 keep conscious mind to referencing a particular slide number.

14 It helps for the transcript. It also help us follow you.

15 Petitioner, when you are ready, you may begin.

16 MR. TODDY: May it please the board, the '482

17 patent, which is the subject of this inter partes review,

18 merely combines a number of known coding techniques, some

19 examples of which are entropy coding, split field coding, and

20 channel coding using unequal error protection.

21 While the '482 patent acknowledges that each of

22 these coding techniques was known in the art, it goes on to

23 state that "The proposed codes have not previously been

1 separated in order to provide error resiliency as provided by
2 the method and apparatus of the present invention." That's a
3 quote from the '482 patent, column 16, lines 33 to 35.

4 As Petitioner's have shown in the petition and,
5 again, in the reply, in view of the complementary embodiments
6 of the Kato reference, it is clear that the '482 claims
7 recite nothing more than an obvious combination of these
8 known coding elements. For this reason, the challenged
9 claims should be canceled in view of the Kato reference,
10 whether alone or in the case of the two data link claims, in
11 further view of the Wei reference.

12 Petitioner's grounds upon which this IPR was
13 instituted are as follows: The first ground is that Claims 1
14 through 3, 5, 12 through 14, 16, and 28 are unpatentable as
15 obvious over the Kato reference, which is Exhibit 1002. And
16 then Claims 6 and 17 are unpatentable over that same Kato
17 reference in further view of Wei, which is Exhibit 1004.

18 FastVDO does not dispute that the vast majority of
19 challenged claim elements are found in Kato. In fact, with
20 the exception of the storage claims, its sole challenge to
21 the majority of claims is to argue that one of skill in the
22 art would not have been motivated to combine Kato's
23 complementary embodiments either with one another or with the

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