

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC., MICROSOFT CORPORATION, MICROSOFT MOBILE OY, AND
MICROSOFT MOBILE, INC. (F/K/A NOKIA INC.),
PETITIONER,

V.

EVOLVED WIRELESS LLC,
PATENT OWNER.

Cases IPR2016-01228 and IPR2016-01229
Patent 7,881,236 B2

Record of Oral Hearing
Held: September 15th, 2017

Before WILLIAM V. SAINDON, PATRICK M. BOUCHER, AND
TERRENCE W. MCMILLIN, *Administrative Patent Judges*.

Case IPR2016-01228 and IPR2016-01229
Patent No. 7,881,236 B2

APPEARANCES

ON BEHALF OF THE PETITIONER:

W. KARL RENNER, ESQUIRE
ROBERTO J. DEVOTO, ESQUIRE
FISH & RICHARDSON, P.C.
1425 K Street, NW
11th Floor
Washington, D.C. 20005
202.626.6393

ON BEHALF OF THE PATENT OWNER:

RYAN M. SCHULTZ, ESQUIRE
MILES A. FINN, PH.D., ESQUIRE
ROBINS KAPLAN, LLP
299 Park Avenue
Suite 3600
New York, New York 10022
212.980.7439

ALSO PRESENT:

DAN SMITH
ROB LYTTLE
TONYA DE LA FUENTE
MIKE JAY
CHARLIE MCMAHON
MELISSA DUCCA

The above-entitled matter came on for hearing on Friday, September 15th, 2017, commencing at 1:59 p.m. at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia in Courtroom A.

1 PROCEEDINGS

2 JUDGE SAINDON: Good afternoon. I'm Judge Saindon.
3 With me here is Judge McMillin. And with us via the Denver
4 office link is Judge Boucher.

5 This is an oral hearing for IPR2016-01228 and
6 01229. Involving patent 7,881,236.

7 We have 45 minutes for each side set aside. And
8 before we get into that, we'll do our introductions.

9 Patent Owner, you can go first.

10 MR. SCHULTZ: Good afternoon, Your Honors. Ryan
11 Schultz on behalf of the Patent Owner, Evolved Wireless.
12 With me is my colleague, Miles Finn and a representative from
13 Evolved Wireless.

14 JUDGE SAINDON: Okay. Welcome.

15 And Petitioner.

16 MR. RENNER: Hi, Your Honor. Karl Renner from Fish
17 & Richardson on behalf of Apple and Microsoft entities as
18 lead counsel in the case as well and joined by co-counsel Rob
19 Devoto and Dan Smith as well as a few representatives. From
20 Microsoft, Rob Lytle. From Apple, Tonya de la Fuente and
21 Mike Jay. ZTE has Charlie McMahon. And Samsung, Melissa
22 Ducca.

23 JUDGE MCMILLIN: Welcome.

1 And you can stay up if you wish to begin. You have
2 45 minutes. If you'd like some time to reserve, let me know.

3 MR. RENNER: Thank you. Just one moment with the
4 electronics.

5 JUDGE SAINDON: Sure.

6 MR. RENNER: And for purposes of reservation, we'll
7 hope to have 15 minutes reserved for redirect.

8 Thank you.

9 JUDGE SAINDON: Okay. You may begin when ready.

10 MR. RENNER: May it please the board. As I
11 mentioned, I'm Karl Renner. I'm here on behalf of Apple and
12 Microsoft entities as lead counsel in these cases.

13 And quickly I direct us to Slides 2 and 3. We'll
14 show you Slide 2 to provide a summary of the demonstratives
15 that we furnished. These are pretty comprehensive of the
16 issues that are outstanding. We don't intend to walk through
17 all of them, many of them are, we believe, handled well by
18 the briefing. So we'll direct your attention to specific
19 parts of them, but we thought this would be a useful
20 mechanism for you to understand what we provided for you.

21 Go to Slide 5, please. The two proceedings that
22 are at hand here have before you several different grounds of
23 rejection anchored by primary reference, Kitazoe, and with a

1 secondary reference, a 3GPP document. There are two
2 additional references, one for each set of grounds that are
3 folded into these, the admitted prior art of the '236 patent.
4 And we'll talk at length about that in the Niu reference
5 alternatively.

6 If we can move to Slide 10, please. The '236
7 patent; we know you're well familiar with this patent given
8 the recent oral hearing that has been had on it, but we'll
9 say just a few words to help us to orient ourselves as to the
10 issues that are at present at issue. And along those lines,
11 we wanted to look at the message exchange that's here to
12 enable a user equipment, UE, to communicate with the base
13 station, which you can see labeled on this figure at
14 Slide 10.

15 The four messages that are shown here are fairly
16 representative of an LTE exchanged handshake at the front end
17 for this random access process and procedure. Message one
18 being a random access preamble that is sent from the UE over
19 to the base station when it comes into range.

20 Message two being a random access response,
21 something coming back from the base station and it's
22 accompanied by a UL Grant, an uplink grant. Think of it
23 essentially as something that's going to give a little

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.