UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HTC CORPORATION, HTC AMERICA, INC., ZTE CORPORATION AND ZTE (USA), INC.,

Petitioners

V.

CELLULAR COMMUNICATIONS EQUIPMENT, LLC Patent Owner

Case IPR2016-01493¹
Case IPR2016-01501²
Patent 8,457,676 B2
Technology Center 3900

Record of Oral Hearing Held: November 8, 2017

Before BRYAN F. MOORE, GREGG I. ANDERSON, and JOHN A. HUDALLA, *Administrative Patent Judges*.

² ZTE Corporation and ZTE (USA), Inc. filed a petition in (now terminated) IPR2017-01079, and have been joined to IPR2016-01501.



¹ HTC Corporation, HTC America, Inc., ZTE Corporation, and ZTE (USA), Inc. filed a petition in (now terminated) IPR2017-01081, and have been joined to IPR2016-01493.

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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ON BEHALF OF PATENT OWNER:

TERRY A. SAAD, ESQ. JONATHAN H. RASTEGAR, ESQ. Bragalone Conroy, P.C. 2200 Ross Avenue, Suite 4500 W Dallas, TX 75201 214.785.6671

The above-entitled matter came on for hearing on Wednesday, November 8, 2017, at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.



1	PROCEEDINGS
2	
3	JUDGE MOORE: And, so, these are hearings in case
4	IPR2016-01493 and -01501. To get started, why don't we
5	do a roll call of who's here? And we'll start with the
6	Petitioner.
7	MR. NASH: Thank you, Your Honor. Brian Nash of
8	Pillsbury, here on behalf of the HTC and ZTE petitioners.
9	MR. SAAD: Good afternoon, Your Honors, Terry
10	Saad from Bragalone Conroy PC on behalf of the Patent
11	Owner, Cellular Communications Equipment LLC. And
12	with me is my colleague, John Rastegar.
13	JUDGE MOORE: Okay. The parties, I believe,
14	should have received an e-mail, after becoming re-familiar
15	with the cases, the fact that it's one patent, and at least the
16	claims issues would be very similar, we're going to do one
17	hour of total time for both cases. So Petitioner will go first.
18	Let me know if you want to reserve time and how much
19	time you want to reserve, and then Patent Owner will go
20	and the Petitioner will finish with the time they have
21	remaining.
22	Before we get going, I know there's been a lot of
23	issues with Apple leaving the case and, so, before we get
24	started with the argument and I think we'll start with
25	Patent Owner are there any other peripheral issues that
26	you feel need to be discussed?



1	MR. SAAD: None for Patent Owner, Your Honor.
2	JUDGE MOORE: Petitioner?
3	MR. NASH: We don't have any issues, Your Honor.
4	I guess I didn't receive the e-mail, but just so I understand
5	it, from a procedural standpoint, are you anticipating that
6	we would present both cases at once?
7	JUDGE MOORE: Right.
8	MR. NASH: I'm fine to do it that way, I just have it
9	structured as two separate presentations. It may be a little
10	bit of fumbling.
11	JUDGE MOORE: I'm sorry that that didn't I
12	believe an e-mail should have gone out from our staff.
13	MR. SAAD: I didn't receive that e-mail either, Your
14	Honor.
15	JUDGE MOORE: All right. I'm not sure what
16	happened there, but we will be understanding of how it
17	goes.
18	To the extent you want to there are two different
19	pieces of prior art, to the extent you want to sort of do your
20	first presentation and then sort of move to the second and
21	cut it down to where you think it would be reasonable, I'm
22	not asking you to totally merge them. We're going to be
23	aware that this came as a surprise to me.
24	MR. NASH: No problem, Your Honor.
25	JUDGE MOORE: And how much time of the hour
26	would you like to reserve?



1	MR. NASH: 1 guess 30 minutes. 1 naven t planned
2	this out as being one long set. I'll try and be efficient and
3	not re-cover anything that we've talked about, because I
4	agree there's a lot of overlapping issues here. Thank you,
5	Your Honor.
6	May it please the Court, we'll begin with the 1493
7	(Interruption in the proceedings.)
8	
9	May it please the Court, I'll start with the 1493 proceeding since
10	that comes first in numerical order. And as Your Honor
11	mentioned, we're talking about the same patent in both
12	proceedings. That's the '676 Patent. And I'm starting here with
13	slide one, just as a quick overview of that '676 Patent.
14	The key elements at issue in this patent are power
15	control headroom reporting and the triggering of those
16	reports being based on the reaching of a threshold. That
17	threshold needs to be adjustable. And the context of the
18	independent claims, that threshold is going to involve k
19	transmission time intervals. So we see that illustrated here
20	on slide two. I've highlighted claim one to correspond with
21	those key elements that we saw on the first slide.
22	And we see then on slide three the dependent claim,
23	which here is claim three. That introduces a different and
24	additional criterion. Here that's an absolute difference
25	between current and most recent path loss measurements
26	reaching a threshold of difference. That's an additional



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