UNITED STATES PATENT AND TRADEMARK OFFICE
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BEFORE THE PATENT TRIAL AND APPEAL BOARD
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KINGSTON TECHNOLOGY COMPANY, INC.,
Petitioner,

v.

POLARIS INNOVATIONS LTD.,
Patent Owner.

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Case IPR2016-01621 (Patent 6,438,057 B1)
Case IPR2016-01622 (Patent 6,850,414 B2)
Case IPR2016-01623 (Patent 7,315,454 B2)

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Record of Oral Hearing
Held: November 14, 2017

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Before SALLY C. MEDLEY, JEAN R. HOMERE, and KEN B.
BARRETT, *Administrative Patent Judges.*

Case IPR2016-01621 (Patent 6,438,057 B1)
Case IPR2016-01622 (Patent 6,850,414 B2)
Case IPR2016-01623 (Patent 7,315,454 B2)

APPEARANCES:

ON BEHALF OF THE PETITIONER:
    DAVID M. HOFFMAN, ESQUIRE
    KENNETH J. HOOVER, ESQUIRE
    Fish & Richardson
    One Congress Plaza
    111 Congress Avenue, Suite 810
    Austin, Texas 78701

ON BEHALF OF PATENT OWNER:
    KENNETH WEATHERWAX, ESQUIRE
    NATHAN LOWENSTEIN, ESQUIRE
    Lowenstein & Weatherwax, LLP
    1880 Century Park East
    Suite 815
    Los Angeles, California 90067

    The above-entitled matter came on for hearing on Tuesday, November 14, 2017, commencing at 1:00 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

1   P R O C E E D I N G S

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3   JUDGE BARRETT: Good afternoon everyone. We are on

4   the record. We have today a final hearing in three cases,

5   IPR2016-01621, IPR2016-01622, and IPR2016-01623, Kingston

6   Technology Company v. Polaris Innovations. I am Judge Barrett. Next

7   to me are Judges Medley and Homere. Let's start with the parties'

8   appearances. Who do we have from petitioner?

9   MR. HOFFMAN: Your Honor, David Hoffman. With me are

10   my colleagues, Liz Ranks, Ken Hoover and Martha Hopkins.

11   JUDGE BARRETT: Thank you. And for patent owner?

12   MR. WEATHERWAX: Hello, Your Honor. Ken

13   Weatherwax for patent owner with my colleagues, Nathan Lowenstein

14   and Shawn Chi, and also a representative of the patent owner, Polaris

15   Innovations, Brian Richardson.

16   JUDGE BARRETT: Thank you. All right. The tentative plan

17   today is to take these cases serially, one at a time in case number order.

18   MR. LOWENSTEIN: If I may, Your Honor, Nathan

19   Lowenstein. I talked to Mr. Hoffman before the proceedings and we've

20   agreed to do 1623 second. I have a plane to catch. If we could do that,

21   that would be most appreciated.

22   JUDGE BARRETT: That's fine. So 1621 first, 1623 second,

23   and then 1622 last.

24   MR. LOWENSTEIN: Thank you.

1   JUDGE BARRETT: So we set forth the procedure in our trial

2   order, but just to remind everybody how this is going to work, for each

3   case each party will have 30 minutes total. For clarity of the transcript,

4   please be sure to identify demonstrative pages or pages from the record

5   verbally so that gets into the transcript. For all three cases, petitioner

6   will go first and may reserve time for rebuttal. Patent owner will then

7   have an opportunity to present its response, and petitioner can present

8   its rebuttal arguments with whatever time it has remaining.

9   In case 1622, that's the case with the motion to amend, patent

10   owner has indicated that it feels it still may bear some burden after the

11   *Aqua Products* decision, so I will give you whatever remaining time you

12   have at the end but only to address petitioner's arguments regarding the

13   motion to amend.

14   I will be watching the clock and I will give counsel a warning

15   when you are reaching the end of your time. As another reminder, no

16   new evidence or arguments should be introduced today. Anything that

17   is not already in the papers will not be considered.

18   Any questions or concerns?

19   MR. HOFFMAN: No, Your Honor.

20   MR. WEATHERWAX: No, Your Honor.

21   JUDGE BARRETT: With that, let us begin with the 1621

22   case and petitioner.

23   MR. HOFFMAN: Thank you, Your Honors. I would like to

24   reserve ten minutes or whatever time I don't use for my rebuttal.

1   A brief overview of the slides, hopefully I will cover them all,

2   but if I don't, this is what I intended to cover. A brief introduction to the

3   '057 technology, a discussion of the Atkinson and Broadwater prior art

4   patents, a discussion of the reasons to combine, then why it's obvious to

5   use a diode to detect temperature with Atkinson, and then how Atkinson

6   shows the refresh unit and the refresh timing unit of claims 6 and 7, and

7   then lastly potentially a discussion of the patent owner's expert's use of

8   what we believe was the wrong standard in evaluating the evidence.

9   The '057 patent is about adjusting the DRAM refresh rate

10   using the temperature of the DRAM array. In order for a DRAM

11   memory to keep its contents, it has to be periodically refreshed. That

12   process, how often it has to be refreshed, is related to power. The more

13   you refresh, the more power you use.

14   Similarly, as the temperature goes up or down, how often you

15   have to refresh changes. So while at a cooler temperature, you may

16   only have to refresh every once in a while. At a higher temperature, you

17   have got to refresh more often or you'll lose the contents of your

18   memory. And you can see that in the little exhibit from the abstract. It's

19   about adjusting the refresh rate.

20   What I think is most instructional about the '057 patent is what

21   you see on this is slide 5. It's Figure 2 from the '057 patent. And there

22   you see a chart which shows that at a lower temperature, there's a lower

23   refresh rate. And then at a higher temperature, there is a higher refresh

24   rate. Similarly, as you can see, there's a section of the '057 patent on

25   slide 5 that shows the same thing. In one embodiment you detect that

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