

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

APPLE INC.,  
Petitioner,

v.

PAPST LICENSING GMBH & CO. KG,  
Patent Owner.

---

Case IPR2016-01839 (Patent 6,470,399 B1)  
Case IPR2016-01842 (Patent 9,189,437 B2)  
Case IPR2016-01863 (Patent 8,504,746 B2)  
Case IPR2016-01864 (Patent 6,470,399 B1)

---

Record of Oral Hearing  
Held: January 16, 2018

---

Before JONI Y. CHANG, JAMES B. ARPIN, and MIRIAM L.  
QUINN, *Administrative Patent Judges*.

Case IPR2016-01839 (Patent 6,470,399 B1)  
Case IPR2016-01842 (Patent 9,189,437 B2)  
Case IPR2016-01863 (Patent 8,504,746 B2)  
Case IPR2016-01864 (Patent 6,470,399 B1)

APPEARANCES:

ON BEHALF OF THE PETITIONER:

LORI A. GORDON, ESQUIRE  
TYLER J. DUTTON, ESQUIRE  
Sterne, Kessler, Goldstein & Fox  
1100 New York Avenue, NW  
Washington, D.C. 20005

ON BEHALF OF THE PATENT OWNER:

CHRISTOPHER V. GOODPASTOR, ESQUIRE  
GREGORY DONAHUE, ESQUIRE  
DiNovo Price, LLP  
7000 North Mopac Expressway  
Suite 350  
Austin, Texas 78731

The above-entitled matter came on for hearing on Tuesday, January 16, 2018, commencing at 10:10 a.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

Case IPR2016-01839 (Patent 6,470,399 B1)  
Case IPR2016-01842 (Patent 9,189,437 B2)  
Case IPR2016-01863 (Patent 8,504,746 B2)  
Case IPR2016-01864 (Patent 6,470,399 B1)

P R O C E E D I N G S

1 - - - - -

2 JUDGE CHANG: Good morning. Welcome. I'm  
3 Administrative Patent Judge Joni Chang. Here with me joining  
4 with us remotely is Judges James Arpin and also Miriam Quinn.  
5 I just want to say hello to make sure the connection is correct and  
6 everything goes smoothly. Good morning, Judge Arpin.

7 JUDGE ARPIN: Good morning, Judge Chang.

8 JUDGE CHANG: Good morning, Judge Quinn.

9 JUDGE QUINN: Good morning, Judge Chang.

10 JUDGE CHANG: I'm not seeing you on the TV in the  
11 hearing room. I know you are remotely from Dallas. So will we  
12 will able to see you at all, Judge Quinn?

13 JUDGE QUINN: I believe I was on the screen earlier.  
14 The technical support staff may be able to figure that out. I can  
15 see you and I can also see Judge Arpin from Denver.

16 JUDGE CHANG: Okay. Ms. Cook? Let me wait a  
17 few minutes. I'm so sorry. In Dallas, actually, it was a two-hour  
18 delay today due to the weather. Ms. Cook, we still just have  
19 Judge Arpin on the TV. It will be better if we can see Judge  
20 Quinn on the TV. In the meantime, do you mind, Judge Quinn,  
21 that we go through with the introductions?

22 JUDGE QUINN: Yes, go ahead. Let's proceed.

Case IPR2016-01839 (Patent 6,470,399 B1)  
Case IPR2016-01842 (Patent 9,189,437 B2)  
Case IPR2016-01863 (Patent 8,504,746 B2)  
Case IPR2016-01864 (Patent 6,470,399 B1)

1           JUDGE CHANG: Thank you. So we are going to start  
2 with the petitioner and then the patent owner. Please introduce  
3 yourself and your colleagues.

4           MS. GORDON: I'm Lori Gordon from the law firm of  
5 Sterne, Kessler, Goldstein & Fox, and I'll be arguing both cases  
6 today on behalf of the petitioner, Apple. With me at counsel's  
7 table is Tyler Dutton as well as Steve Peters also from Sterne  
8 Kessler.

9           JUDGE CHANG: Welcome. Thank you.

10          MR. GOODPASTOR: Good morning, Your Honor.  
11 Chris Goodpastor with DiNovo Price for the patent owner. I'm  
12 joined by my colleague, Greg Donahue as well with DiNovo  
13 Price. I'll be arguing the IPRs that rely on Pucci as a primary  
14 reference. Mr. Donahue will be arguing the IPRs that rely on  
15 Kawaguchi.

16          JUDGE CHANG: Thank you. Yes, we can see you  
17 now, Judge Quinn. Thank you so much.

18          This is a consolidated oral hearing for IPR2016-01839,  
19 01842, 01863 and 01864. It is open to the public and the  
20 transcript will be entered in each of the files.

21          Before we begin, I have a few procedural issues to go  
22 over. Consistent with our prior order, we will start with the  
23 arguments for IPR2016-01842, 1863 and 1864. Those are the  
24 three cases that involve the prior art reference Pucci. Each party

Case IPR2016-01839 (Patent 6,470,399 B1)  
Case IPR2016-01842 (Patent 9,189,437 B2)  
Case IPR2016-01863 (Patent 8,504,746 B2)  
Case IPR2016-01864 (Patent 6,470,399 B1)

1 has 45 minutes to present its argument for these three  
2 proceedings. The petitioner will go first, present its case as to the  
3 challenged claim. Thereafter, the patent owner will respond to  
4 petitioner's case as to those three cases. Petitioner may reserve a  
5 small portion of its time for rebuttal responding to the patent  
6 owner's specific argument expressly presented during the hearing.  
7 Thereafter, we will take a 15-minute break, okay, and after the  
8 break, we'll continue the argument for IPR2016-01839 involving  
9 the prior art reference Kawaguchi and using the same format.  
10 And each party has 30 minutes as to that particular case.

11           Lastly, please note that the image projection will not be  
12 visible to Judge Arpin and Judge Quinn. So the presenter may  
13 speak only when standing at the podium, and please speak clearly  
14 and also identify the specific slide number or page number from  
15 the record. This way we will make sure that the record is clear.

16           And before we begin, do you have a copy of your  
17 demonstratives for the court reporter? Thank you so much. And  
18 then counsel, you may begin any time.

19           MS. GORDON: Thank you, Your Honor. Good  
20 morning, Your Honors.

21           JUDGE CHANG: Good morning. And how much time  
22 do you want to reserve for rebuttal?

23           MS. GORDON: I would like to reserve 15 minutes of  
24 our argument time for rebuttal.

# 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.