

1 UNITED STATES PATENT AND TRADEMARK OFFICE

2 -----
3 BEFORE THE PATENT TRIAL AND APPEAL BOARD

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5 APPLE, INC.

6 Petitioner,

7 v.

8 VALENCELL, INC.

9 Patent Owner.

10 -----
11 Case IPR2017-00319

12 Case IPR2017-00321

13 Patent 8,923,941 B2

14 -----
15 Before BRIAN J. McNAMARA, JAMES B. ARPIN

16 and SHEILA F. McSHANE,

17 Administrative Patent Judges

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19 ARPIN, Administrative Patent Judge.

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2 (Whereupon, the hearing began at 1:01 p.m.)

3 JUDGE ARPIN: I'd like to begin with
4 a roll call. Who do we have on the call for
5 petitioner, please?

6 Ms. Holoubek: Good afternoon Your
7 Honor. This is Michelle Holoubek for petitioner
8 Apple and I'm also joined by my co-counsel Mike
9 Specht.

10 JUDGE ARPIN: Thank you. And who do
11 we have on the call for the patent owner?

12 MR. KIMBLE: Your Honor, this is
13 Justin Kimble and also with me is co-counsel Jeff
14 Bragalone and Bill Kennedy.

15 JUDGE ARPIN: Thank you.
16 Do we have court reporter on the call
17 today?

18 MR. KIMBLE: We didn't request one
19 but we understand the petitioner did.

20 MS. HOLOUBEK: Let me jump in and say
21 that we do have a court reporter on the line.

22 JUDGE ARPIN: Since we have a court
23 reporter on the line I'd like to remind the parties
24 that they should not under any circumstances
25 interrupt another speaking during the call, that

1 will ensure that we have a clear transcript. I
2 would ask also the court reporter not to interrupt
3 any of the speakers unless it is absolutely
4 necessary. I would ask all speakers to identify
5 themselves before they begin speaking so that the
6 court reporter should not have to ask who is
7 speaking.

8 And this question is directed to the
9 court reporter: When does the court reporter
10 believe that he or she will be able to have the
11 transcript of this call available?

12 (WHEREUPON, A DISCUSSION WAS HELD OFF THE RECORD)

13 JUDGE ARPIN: I would ask patent
14 owners, or petitioner since you arranged for the
15 court reporter to please give a copy of the court
16 reporter's transcript to the patent owner before
17 filing it so that any errata can be resolved before
18 the transcript is filed.

19 Is that clear petitioner?

20 MS. HOLOUBEK: It is. We'll do that.

21 JUDGE ARPIN: Patent owner?

22 MR. KIMBLE: Yes, Your Honor.

23 JUDGE ARPIN: Okay. The purpose of
24 this call is to discuss the potential consequences
25 of the staff's institute ruling on this proceeding

1 and, or these proceedings. As you know we have
2 instituted on I believe all claims and all grounds
3 in the IPR2017-321 case, and as a result I do not
4 believe there are any vast consequences to that, or
5 in that proceeding, but I will hear it if either
6 party believes that I'm mistaken there.

7 With regard to the 319 case, however,
8 petitioner asserted the grounds, 11 grounds against
9 claims 1 through 13, we instituted on claims 1, 2
10 and 6 through 13 on eight of those grounds so this
11 would appear to implicate SAS. I would also remind
12 the parties that we are about one month out from
13 the statutory deadline for issuing a final written
14 decision in these cases. So we do not have a,
15 well, we have a narrowing window of time in which
16 to take action in these cases and so I would like
17 to begin by asking the parties whether they have
18 conferred with each other over the potential
19 consequences of SAS.

20 Patent owner.

21 MR. BRAGALONE: Yes, Your Honor. We
22 have conferred -- this is Jeff Bragalone for patent
23 owner.

24 JUDGE ARPIN: And was any resolution
25 reached as a result of that conference or any

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