

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZTE (USA) INC., ZTE CORPORATION,
SAMSUNG ELECTRONICS CO., LTD., and
SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioners,

v.

PAPST LICENSING GMBH & CO. KG,
Patent Owner.

Case IPR2017-00714
Patent 6,470,399

Record of Oral Hearing
Held: February 13, 2018

Before JONI Y. CHANG, JENNIFER S. BISK, and JAMES B. ARPIN,
Administrative Patent Judges.

Case IPR2017-00714
Patent 6,470,399

APPEARANCES:

ON BEHALF OF THE PETITIONER:

Carrie A. Beyer, Esq.
Brian C. Rupp, Esq.
Nick Colic, Esq.
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ON BEHALF OF THE PATENT OWNER:

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The above-entitled matter came on for hearing on Tuesday, February 13, 2018, commencing at 1:02 p.m., at the U.S. Patent and Trademark Office, Madison Building, 600 Dulany Street, Alexandria, Virginia.

1 PROCEEDINGS

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3 JUDGE CHANG: So that the court reporter can
4 capture all the names.

5 MS. BEYER: This is Carrie Beyer on behalf of the
6 petitioner. Also with me are my co-counsel, Brian Rupp, and
7 Nick Colic.

8 JUDGE CHANG: Let me double check to see if the
9 court reporter has all the names and the spellings of those
10 names.

11 (Short pause.)

12 JUDGE CHANG: Maybe patent owner's counsel, can
13 you introduce yourself now and also spell your names, so that
14 way the court reporter will clearly capture your names.

15 MR. PETERS: Yes. Nicholas Peters on behalf of
16 the patent owner. N-i-c-h-o-l-a-s, last name Peters,
17 P-e-t-e-r-s.

18 JUDGE CHANG: Thank you.

19 MR. PETERS: And there's also counsel, my
20 co-counsel, Paul Henkelmann.

21 JUDGE CHANG: Petitioner's counsel, can you
22 increase your volume, and patent owner's counsel, can you
23 lower your volume, so that way we'll be more comfortable.

24 MS. BEYER: Sure. Thank you.

25 JUDGE CHANG: Okay. Before we begin, let me
26 double check with the court reporter, does she have all the

1 names down.

2 (Short pause.)

3 JUDGE CHANG: Great. This is a telephonic oral
4 hearing, and this is a hearing for IPR2017-00714, involving
5 patent 6,470,399. It is open to the public, and the
6 transcript of this oral hearing will be entered into the
7 file and available to the public.

8 Before we begin, I have a few procedural matters
9 to go over. This is a telephonic oral hearing so each
10 counsel will have the opportunity to present their case, but
11 be clear that when you refer to a specific demonstrative or
12 a paper number, speak that carefully and also slowly, so that
13 way we can capture all that in the file.

14 And one thing to note is the demonstrative
15 exhibits are not evidence, and, also, they are not
16 substantive briefs, but merely a visual aid for use during
17 the oral hearing. We note that the parties did not object
18 to each other's demonstratives, but the panel reviewed the
19 demonstratives for compliance, and petitioner's
20 demonstrative included 86 pages. That's excessive in view
21 of the oral hearing, it's only 20 minutes per party. So
22 petitioner may use the demonstrative during the oral
23 hearing, but after the oral hearing, we'll enter an order
24 expunging the petitioner's demonstratives.

25 And the second thing is, we noticed that patent
26 owner's demonstrative exhibits was filed as Exhibit 2007,

1 which was previously used for the settlement agreement
2 earlier. Each exhibit should be numbered uniquely and
3 sequentially. So patent owner's demonstrative will be also
4 expunged, but patent owner is authorized to re-file the
5 demonstratives as Exhibit 2009.

6 Are there any questions? Okay.

7 Then, consistent with our prior order, each party
8 has 20 minutes to present its arguments. Petitioner will
9 proceed first to present its case as to the challenged
10 claims. Thereafter, patent owner will respond to
11 petitioner's case. Petitioner may reserve a small amount of
12 the time for rebuttal, okay.

13 Are there any questions before we begin? Okay.

14 Counsel for petitioner, you may start whenever you
15 are ready, and please let me know how many minutes you would
16 like to reserve for rebuttal time.

17 MS. BEYER: Thank you, Your Honor. I would like
18 to reserve five minutes for rebuttal time, please.

19 JUDGE CHANG: Okay.

20 MS. BEYER: The board instituted trial under a
21 single section, 103(a), obviousness grounds, as shown on
22 slide 3 of Exhibit 1025. This proceeding relates to Claims
23 1 through 3, 5, 6, 11, 14, and 15 of the '399 patent. Of
24 these, Claims 1, 11, and 14 are independent claims. The
25 issues here are largely uncontested, and the primary dispute
26 relates to the "whereupon" clause in independent claims.

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