

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 IPR2017-01508 (Patent 8,385,966 B2)
Case IPR2017-01509 (Patent 9,037,129 B2)

Record of Oral Hearing
Held: July 10, 2018

Before BRYAN F. MOORE, JENNIFER S. BISK, and
GREGG I. ANDERSON, *Administrative Patent Judges*.

Case IPR2017-01508 (Patent 8,385,966 B2)
Case IPR2017-01509 (Patent 9,037,129 B2)

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The above-entitled matter came on for hearing on Tuesday, July 10, 2018, commencing at 1 p.m. at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

PROCEEDINGS

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(12:59 p.m.)

JUDGE BISK: Good afternoon. This is the hearing for IPR2017-01508 and 01509 between Petitioner HTC Corporation, HTC America, ZTE Corporation, and ZTE (USA), Incorporated, and Cellular Communications Equipment, LLC, the owner of the challenged patents, U.S. Patent Number 8,385,966 in the '1508 matter and U.S. Patent 9,037,129 in the '1509 matter.

Just a few administrative matters before we begin. I'm Judge Bisk and I have Judge Moore with me here on the right. Judge Anderson is on video. I guess there's a few videos here today. And he's joining us remotely obviously. So just remember, when you're presenting, if you could mention the slide number you're talking about so that Judge Anderson can follow along. This will also make the transcript easier to read. Per our trial order, each party will have 30 minutes to present its argument for each proceeding, totaling 2 hours for this hearing. You're not required to take all the time. And because Petitioner has the burden to show unpatentability of the original claims, Petitioner will proceed first, followed by the Patent Owner. Petitioner may reserve time to rebut Patent Owner's opposition.

And just to mention, if there are any objections that you want to present to any of the testimony that happens today, we'd prefer you do that during your own time so that we don't interrupt each other's presentations.

1 Okay. At this time, I'd like Counsel to introduce yourselves and
2 who you have with you, beginning with Petitioner, please.

3 MR. NASH: Your Honor, Brian Nash here on behalf of the
4 Petitioners.

5 JUDGE BISK: Okay, thank you. And Patent Owner?

6 MR. BUMGARDNER: Your Honor, Barry Bumgardner, here on
7 behalf of Patent Owner. Along with me is Matt Juren. I will argue the
8 first case and Mr. Juren will argue the second case.

9 JUDGE BISK: Okay, great.

10 MR. BUMGARDNER: And if I may ask, Your Honor, will Judge
11 Anderson be able to see what we put on the screen or should we assume that
12 he will not be able to view that?

13 JUDGE BISK: Well, assume that he won't be able to see the screen
14 but he does have all of the slides electronically, so as long as you say the
15 slide number or whatever you're looking at, if you can say the electronic
16 version, he can keep up.

17 MR. BUMGARDNER: Thank you, Your Honor.

18 JUDGE BISK: That's correct, isn't it, Judge Anderson? You don't
19 see the actual slides, right?

20 JUDGE ANDERSON: Yeah, the hearing room personnel would
21 have to turn the camera to the slides. And if you have an Elmo, I think
22 somebody had an Elmo there, I can't see that, but just give me the pleading
23 you're looking at. I can follow along and certainly I have the slides available.

1 MR. BUMGARDNER: Thank you, Your Honor, I just wanted to
2 make sure I knew what was going on here. So, that will all be fine.

3 JUDGE BISK: Okay, great. Petitioner, whenever you're ready.

4 MR. NASH: Your Honor, I have a couple of hard copies. I don't
5 know if you'd like this as well, but I could pass those up.

6 JUDGE BISK: Yes, sure.

7 MR. NASH: They're very nicely bound.

8 JUDGE BISK: Okay. And I'll keep track of time for you if you let
9 me know how many minutes you want to reserve for rebuttal.

10 MR. NASH: Thank you, Judge. I'd like to try and reserve ten
11 minutes for rebuttal.

12 JUDGE BISK: Okay, so I'll put 20 minutes on the timer just so you
13 can see.

14 MR. NASH: On the big red clock.

15 JUDGE BISK: Yes.

16 MR. NASH: Thank you so much.

17 JUDGE BISK: All right, whenever you're ready.

18 MR. NASH: Thank you, Judge. Brian Nash on behalf of
19 Petitioners. And I'm going to start on Slide 2, Judge Anderson, because I
20 think the important aspect of the '966 patent that we're going to discuss
21 today is that it relates to power control for Message 3.

22 So we see on Slide 3 that there's Figure 1B illustrated here. We've
23 got Message 1, which is your random access preamble message being sent
24 from the UE to the eNodeB. And then upon the successful transmission,

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