

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

APPLE INC.,  
Petitioner,

vs.

UNILOC 2017 LLC,  
Patent Owner.

---

Case IPR2017-01993  
Patent 9,414,199 B2

---

Record of Oral Hearing  
Held: December 4, 2018

---

Before MIRIAM L. QUINN, KERRY BEGLEY, AND  
CHARLES J. BOUDREAU, *Administrative Patent Judges*.

The above-entitled matter came on for hearing on December 4, 2018,  
commencing at 12:07 p.m., at the U.S. Patent and Trademark Office, Texas  
Regional Office, 207 South Houston Street, Suite 159, Dallas, Texas 75202.

Case IPR2017-01993  
Patent 9,414,199 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER, APPLE, INC:

LUANN L. SIMMONS, ESQUIRE  
XIN-YI ZHOU, ESQUIRE  
MARC BREVERMAN, ESQUIRE  
O'MELVENY & MYERS, LLP  
Two Embarcadero Center, 28th Floor  
San Francisco, California 94111

ON BEHALF OF THE PATENT OWNER, UNILOC 2017 LLC:

BRETT MANGRUM, ESQUIRE  
ETHERIDGE LAW GROUP  
1515 North Town East Boulevard  
Suite 138  
Mesquite, Texas 75150

The above-entitled matter came on for hearing on December 4, 2018, commencing at 12:07 p.m., at the U.S. Patent and Trademark Office, Texas Regional Office, 207 South Houston Street, Suite 159, Dallas, Texas 75202.

1 PROCEEDINGS

2 JUDGE QUINN: All right. Apologies for the slight  
3 delay. Let's call the case. This is oral argument for  
4 IPR2017-1993 concerning Patent No. 9,414,199. The caption is  
5 Apple, Inc. versus Uniloc 2017, LLC.

6 The total argument time will be 45 minutes per side,  
7 starting with Petitioner, rebuttal by Patent Owner, and then  
8 respective parties will also have replies. Okay. So who is here for  
9 Petitioner?

10 MS. SIMMONS: Good morning, Your Honor. Luann Simmons  
11 with O'Melveny & Myers for Petitioner Apple, and I'm joined by my  
12 client, Marc Breverman, in-house counsel at Apple, and my  
13 colleague from O'Melveny, Vincent Zhou.

14 JUDGE QUINN: Welcome.  
15 And for Patent Owner, who do we have?

16 MR. MANGRUM: Good afternoon, Your Honors. Brett  
17 Mangrum with Uniloc 2017, LLC, the Patent Owner. I will be  
18 presenting today.

19 JUDGE QUINN: That would be Ms. Luann?

20 MS. SIMMONS: Yes, Your Honor.

21 JUDGE QUINN: Okay. Ms. Simmons.

22 MS. SIMMONS: Ms. Simmons. Luann Simmons.

23 JUDGE QUINN: Will you be presenting?

24 MS. SIMMONS: Yes, ma'am.

1 JUDGE QUINN: Okay. All right. Just some housekeeping.  
2 I didn't see any objections to the demonstratives; is that  
3 correct?

4 MS. SIMMONS: That is correct, Your Honor.

5 JUDGE QUINN: Okay. All right. And I know that we  
6 have -- we don't have them displayed but that's okay, because each  
7 of my colleagues has an electronic copy. So if you can remember  
8 to speak out loud what slide number you're on, we can follow you  
9 right along. Okay?

10 Petitioner, if you're ready.

11 MS. SIMMONS: Yes, Your Honor.

12 JUDGE QUINN: Just let me know how much time you want to  
13 reserve, and I will be keeping track with a timer.

14 MS. SIMMONS: And, Your Honor, you said you have a copy  
15 of the slides. We have additional if you need them.

16 JUDGE QUINN: I always welcome more paper, believe it or  
17 not. Thank you.

18 Did you provide a copy to the court reporter?

19 MS. SIMMONS: Yes, Your Honor, I did.

20 JUDGE QUINN: And Patent Owner, did you provide a copy?

21 MR. MANGRUM: Yes, Your Honor.

22 JUDGE QUINN: How much time would you like to reserve?

23 MS. SIMMONS: I would like to reserve 15 minutes, Your  
24 Honor.

1 JUDGE QUINN: Okay. Whenever you're ready.

2 MS. SIMMONS: Thank you.

3 Good afternoon, Your Honors. Luann Simmons for the  
4 Petitioner, Apple. The key dispute that is presented to the Board  
5 in this review is a claim construction dispute. The parties  
6 dispute the proper interpretation of one term. The term is  
7 "predetermined maximum amount of time."

8 Under the -- no other claim construction disputes exist.

9 Under the plain meaning of that term, which is what  
10 Apple argues is the correct interpretation, there is no dispute  
11 that all claims of the '199 patent are obvious based on  
12 Petitioner's grounds 1 and 2 presented in the petition. But even  
13 under the Patent Owner's proposed narrow construction of the  
14 disputed term, the Board should still find that all claims are  
15 invalid -- of the '199 patent are invalid under Apple's third and  
16 fourth grounds presented in the petition.

17 The record evidence, we submit, shows two things: Number  
18 one, that the plain meaning should be applied to this disputed  
19 term, and number two, that the plain meaning should not be  
20 narrowed in the way that the Patent Owner has proposed. In its  
21 institution decision, the Board preliminarily agreed with Apple's  
22 interpretation of the plain meaning of this term.

23 Now, the Board did note, of course, that the record was  
24 not yet complete at that point. Well, the record is now complete,

# 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.