

1 UNITED STATES PATENT AND TRADEMARK OFFICE  
2 BEFORE THE PATENT TRIAL AND APPEAL BOARD  
3 CASE NO. IPR2018-00215

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5 ZTE (USA), INC., SAMSUNG ELECTRONICS  
6 CO., LTD., AND SAMSUNG ELECTRONICS  
7 AMERICA, INC.,  
8 Petitioner,

9 v.  
10 FUNDAMENTAL INNOVATION SYSTEMS  
11 INTERNATIONAL, LLC,  
12 Patent Owner.

13 \_\_\_\_\_  
14 BEFORE: LYNNE PETTIGREW  
15 JO-ANNE KOKOSKI  
16 PAUL KORNICZKY

17  
18 TELECONFERENCE HEARING  
19 Thursday, May 31, 2018  
20 1:00 p.m.

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23 REPORTED BY: CAROL E. M. SUGIYAMA, RPR, CSR NO. 295  
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1 PROCEEDINGS

2 Thursday, May 31, 2018 at 1:00 p.m.

3 --oOo--

4 JUDGE PETTIGREW: Good afternoon, this  
5 is Judge Pettigrew. This is a conference call for  
6 IPR2018-0215. On the call with me are Judges  
7 Kokoski and Korniczky.

8 I heard there's a court reporter on the  
9 call, which party arranged for the court reporter?

10 MR. MEHTA: Good afternoon, Your Honor,  
11 this is Hersh Mehta for Petitioners. Petitioners  
12 arranged for the court's reporter.

13 JUDGE PETTIGREW: All right, thank you.  
14 So we ask you to file the transcript as soon as  
15 possible after the call is over.

16 I will spell the names of the judges for  
17 the court reporter. My name is Judge Pettigrew,  
18 that's P, as in Peter, E-T-T-I-G-R-E-W, and the  
19 other judges' names are: K-O-K-O-S-K-I, and  
20 K-O-R-N-I-C-Z-K-Y.

21 Who do we have on the call for  
22 Petitioners?

23 MR. McMAHON: This is Charles McMahon  
24 from McDermott, Will & Emery, and Hersh Mehta also  
25 with McDermott, Will & Emery.

1 JUDGE PETTIGREW: All right. Thank you.  
2 Who do we have on the call for Patent  
3 Owners?

4 MS. ZHONG: This is Annita Zhong from  
5 Irell & Manella, and together with me is Michael  
6 Fleming and Jason Sheasby.

7 And Jason Sheasby will be doing most of  
8 the argument today.

9 JUDGE PETTIGREW: So, Mr. Sheasby, we  
10 saw that you filed a motion for pro hac vice  
11 admission just within the last couple of hours; is  
12 that correct?

13 MR. SHEASBY: That's correct, Your  
14 Honor.

15 And I think the reason why I would be  
16 doing the argument is this is actually a  
17 repetition of a type of argument that was made by  
18 the Petitioners in IPR2018-00111. And given that  
19 fact, we would like to respectfully ask that I be  
20 allowed to appear on behalf of the Patent Owners  
21 today.

22 JUDGE PETTIGREW: All right. Because  
23 the motion is unopposed and it is related to that  
24 other case, we will permit you to argue on behalf  
25 of Patent Owners today.

1 MR. SHEASBY: Thank you so much, Your  
2 Honor.

3 JUDGE PETTIGREW: Again, this is  
4 IPR2018-00215, ZTE and Samsung Electronics versus  
5 Fundamental Innovation Systems International.

6 We received an e-mail on May 18th from  
7 Petitioner who requested this call to  
8 authorization to file a reply to Patent Owners'  
9 preliminary response.

10 The e-mail indicated that the Patent  
11 Owner opposes the requested relief. Just to  
12 remind you, the governing rule is 42.108C, which  
13 provides the Petitioner may seek leave to file a  
14 reply to the Preliminary Response, and the request  
15 must make a showing of good cause.

16 So let's begin with Petitioner.

17 MR. MEHTA: Good afternoon, again, Your  
18 Honor. This is Hersh Mehta speaking on behalf of  
19 Petitioner.

20 Mr. Sheasby pointed out that this  
21 argument is a repetition of an argument that was  
22 made in a different proceeding. This argument is  
23 actually slightly different. I'll point out the  
24 difference as I go along.

25 In our petition, Petitioners have

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