

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.,
Petitioner

v.

UNILOC 2017, LLC,
Patent Owner.

Case IPR 2018-00282
Patent 7,092,671 B2

Record of Oral Hearing
Held: February 28, 2019

Before MIRIAM L. QUINN, CHARLES BOUDREAU, GARTH D. BAER,
Administrative Patent Judges.

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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The above-entitled matter came on for hearing on Thursday, February 28, 2019, commencing at 1:00 p.m. at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

1 P-R-O-C-E-E-D-I-N-G-S

2
3 1:00 p.m.

4 JUDGE BAER: Okay. Good afternoon, everybody. We have this
5 afternoon our final hearing in IPR 2018-00282 between Petitioner, Apple
6 and Patent Owner, Uniloc. I'm Judge Baer.

7 And with me remotely is Judge Boudreau and Judge Quinn is there.
8 Can you hear us, Judge Boudreau and Judge Quinn?

9 JUDGE QUINN: Yes, I can hear you.

10 JUDGE BAER: Great.

11 JUDGE BOUDREAU: I can hear you.

12 JUDGE BAER: Great. Let's go ahead and get the parties
13 appearances please. Who do we have for Petitioner, Apple?

14 MR. EHMKE: Your Honor, it's Andy Ehmke, here on behalf of
15 Petitioner, Apple and with me is Marc Breverman, In-house counsel for
16 Apple.

17 JUDGE BAER: Great, thank you. And who do we have for patent
18 owner, Uniloc?

19 MR. MANGRUM: Good afternoon, Your Honor. Brett Mangrum
20 with the Etheridge Law Group. I'll be representing Uniloc today and
21 presenting today.

1 JUDGE BAER: Good afternoon. Thanks, counsel. Welcome to
2 everybody. We are glad you're here. We appreciate you making the effort
3 to be here. We set forth the procedure for today's hearing in our trial order.

4 But just to make sure everybody knows and we're on the same page
5 here is how this is going to work. The parties will each have 30 minutes of
6 total time to present their arguments.

7 Please keep in mind that whatever is projected on the screen will not
8 be viewable by Judges Boudreau and Quinn but they do have the materials.
9 So when you refer to an exhibit or a slide let us know what exhibit, what
10 slide number you're referring to and that will also help us to make sure that
11 the record is clear, the transcript is clear.

12 We'll remind each party that under no circumstances are they to
13 interrupt the other party while the other party is presenting its arguments and
14 demonstratives. If a party believes that a demonstrative or oral argument,
15 sorry, an argument is presented by another party is objectionable for any
16 reason please only raise that objection during your argument time.

17 Now we received your email earlier about the parties' objections
18 regarding new arguments. That's fine. If you want to make those arguments
19 please make them during argument time, okay.

20 I think with that we are ready to begin. Does counsel for Petitioner,
21 Apple have any concerns or questions?

22 MR. EHMKE: No questions, Your Honor.

1 JUDGE BAER: Great. And for Patent Owner, Uniloc?

2 MR. MANGRUM: No, Your Honor.

3 JUDGE BAER: Okay. Petitioner, you have the burden so you'll go
4 first. So good afternoon, Mr. Ehmke. First of all do you want to reserve any
5 rebuttal time?

6 MR. EHMKE: I would like to reserve eight minutes of rebuttal
7 time.

8 JUDGE BAER: Great. We'll set that up. And the yellow light will
9 come on when you have five minutes to go. Is that okay?

10 MR. EHMKE: That's perfect, thank you.

11 JUDGE BAER: Great. With that we are ready to begin.

12 MR. EHMKE: Thank you, Your Honor. So again, good afternoon.
13 My name is Andy Ehmke of Haynes & Boone on behalf of Petitioner,
14 Apple.

15 Moving to Slide 2 just laying out our agenda for today I really think
16 there's only one substantive issue to address which is the control limitations
17 and we'll touch briefly at the end with the remaining time on the real party
18 interest issue question.

19 So moving then to the control limitations Slide 3 and then quickly to
20 Slide 4, we see the two claims in question with the limitations involved.
21 We've highlighted the control limitations in yellow with respect to Claims 1
22 and 9.

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