

U.S. PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.,
Petitioner

v.

UNILOC 2017 LLC,
Patent Owner

Case IPR 2018-00294
Patent 6,736,759 B1

Record of Oral Hearing
Held: January 23, 2019

Before SALLY C. MEDLEY, JOHN F. HORVATH, and
SEAN P. O'HANLON, *Administrative Patent Judges*.

Case IPR 2018-00294
Patent 6,736,759 B1

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The above-entitled matter came on for hearing on Wednesday, January 23, 2019, commencing at 1:30 p.m. at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

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

1:31 p.m.

JUDGE O'HANLON: Good afternoon, everyone. This is a hearing in Case No. IPR2018-00294, Apple, Inc. versus Uniloc 2017 LLC, formerly known as Uniloc Luxembourg SA. This is concerning U.S. Patent No. 6,736,759.

I'd like to start by having counsel for the parties identify yourselves starting with Petitioner, please.

MR. SEITZ: Thank you, Your Honor. Adam Seitz for Apple. With me is my partner Paul Hart and then behind me Mark Breverman with Apple.

JUDGE O'HANLON: Thank you. And Patent Owner?

MR. MANGRUM: Good afternoon, Your Honors. Brett Mangrum. I'm the lead counsel for Patent Owner. I will be speaking on behalf of the Patent Owner today and I'm with the Etheridge Law Firm.

JUDGE O'HANLON: Thank you. I'm Judge O'Hanlon and I'm joined here in the Alexandria hearing room by Judge Medley. We're joined remotely by Judge Horvath. The camera for Judge Horvath is located behind us so there's no need to look at the screen when addressing him.

Judge Horvath will only be able to hear what the microphones pick up, so I ask counsel to keep that in mind when making their presentations today. And I also ask counsel when referencing demonstratives to please state the slide number so Judge Horvath can follow along more easily.

1 Per our order dated January 7th, each side will have 45 minutes to
2 argue. Petitioner will argue first and may reserve rebuttal time. Patent
3 Owner will argue second and also may reserve rebuttal time.

4 Now if you run over during your arguments in chief, I'm just going
5 to restart the time so you'll run into your rebuttal time. I'll endeavor to let
6 you know when that happens, but please keep the timer lights in mind.

7 With that I will invite Mr. Seitz to begin.

8 Do you wish to reserve rebuttal time and if so, how much?

9 MR. SEITZ: Ten minutes, please, Your Honor.

10 JUDGE O'HANLON: So I will set the clock for 35 minutes and
11 you may begin when you're ready.

12 MR. SEITZ: Thank you. Judge Horvath, before I start I want to
13 make sure you can hear from this microphone as well.

14 JUDGE HORVATH: I can. Thank you.

15 MR. SEITZ: Okay. Excellent. May it please the Board, now,
16 Your Honors, starting at DX-2 I want to narrow the disputes that we're going
17 to be discussing today. Now we had originally presented a number of
18 different grounds. The disputes as they've progressed through this
19 proceeding have narrowed to grounds 1 and ground 3, both essentially the
20 same. They rise and fall together. Those cover the combination of Fry and
21 Newell. And ground 7, covering the combination of Vock in view of
22 Arcelus.

23 It's our position that no remaining disputes exist on the other
24 dependent claims. Having looked at Patent Owner's demonstratives, there

1 may be still be a dispute regarding Claim 20. I'll address that in my rebuttal
2 time.

3 Before we get started and get into the actual references themselves, I
4 want to briefly discuss the 759 patent. There's not a significant dispute
5 between the parties, or really any dispute between the parties on the scope of
6 the claims here or what the claims actually disclose.

7 Fundamentally what the 759 patent is is an exercise monitoring
8 system that has two distinct components. The first one is data acquisition
9 unit. That comprises two separate things: an electronic positioning device,
10 which we will refer to kind of interchangeably today as a GPS device, it tells
11 you your location, and a physiological monitor, which in our case today
12 we'll be referring to as the heart rate monitor. So the date acquisition unit
13 has a GPS monitor and a heart rate monitor.

14 There's also a display. As described in limitation 1B seen on DX-3,
15 that display is separate from the data acquisition unit, meaning wherever
16 your heart rate monitor and GPS device are, the display is separate from that.
17 The display is there for displaying real-time data that comes from the
18 electronic positioning device, the GPS, and the physiological monitor, the
19 heart rate device. This unit is worn by an athlete or worn by a person.

20 And then the last limitation makes clear that whatever you display,
21 there needs to be at least location, altitude, velocity, pace or distance
22 traveled. Claims 1 and 29 are nearly identical in scope. Claim 29 merely
23 adds the idea of an alarm, depending on a certain threshold.

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