

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,

Petitioner,

v.

COREPHOTONICS LTD.,

Patent Owner.

Case IPR2018-01133, Patent 9,538,152 B2,
Case IPR2018-01140, Patent 9,402,032 B2
Case IPR2018-01146, Patent 9,568,712 B2¹

RECORD OF ORAL HEARING
Held: October 8, 2019

Before MARC S. HOFF, BRYAN MOORE, and MONICA ULLAGADDI,
Administrative Patent Judges.

Case IPR2018-01133, Patent 9,538,152 B2,
Case IPR2018-01140, Patent 9,402,032 B2
Case IPR2018-01146, Patent 9,568,712 B21

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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ON BEHALF OF THE PATENT OWNER:

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The above-entitled matter came on for hearing on Tuesday, October 8, 2019, commencing at 9:30 a.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia, before Donna Jenkins, Notary Public.

1 PROCEEDINGS

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3 JUDGE ULLAGADDI: Good morning. Welcome to the
4 Patent Trial and Appeal Board. We are here today for oral argument in Inter
5 Partes Review matter No. 2018-01133, 2018-01140 and 2018-01146, cases
6 in which Apple is the Petitioner and Corephotonics is the Patent Owner.
7 Your panel for the hearing today includes myself, Judge Moore to my left
8 and Judge Hoff to my right. I would like to start by getting the appearances
9 of counsel. Who do we have on behalf of Petitioner?

10 MR. PARSONS: Your Honor, Michael Parsons on behalf of
11 Petitioner Apple. I'm from Haynes & Boone.

12 MR. O'BRIEN: David O'Brien from Haynes & Boone also on
13 behalf of Apple. We also have two colleagues in the gallery, Ms. Hong Shi
14 and Mr. Jordan Maucotel, as well as our client Mr. Aron (indiscernible) is
15 here.

16 JUDGE ULLAGADDI: Thank you. And who do we have on
17 behalf of Patent Owner?

18 MR. FENSTER: Good morning, Your Honors. Marc Fenster
19 with Russ, August & Kabat on behalf of Patent Owner Corephotonics.

20 MR. RUBIN: Good morning, Neil Rubin also of Russ, August
21 & Kabat on behalf of Corephotonics.

22 JUDGE ULLAGADDI: Thank you all and thank you all for
23 joining us today. I have a few administrative matters that I'd like to go over

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1 before we get started. Each party will have two hours and fifteen minutes to
2 argue their cases and the way we'd like to break this up is we would like to
3 address the two related cases first, so Petitioner you would get ninety
4 minutes, Patent Owner ninety minutes and Petitioner can reserve whatever
5 portion of that ninety minutes for your rebuttal. We'll take a brief break and
6 then we'll return for the final case where we will take 45 minutes and 45
7 minutes.

8 So we're going to hear first from Petitioner. Petitioner, you will
9 present your arguments in chief. Patent Owner you'll be then permitted to
10 present your arguments. Petitioner, for the first two cases would you like to
11 reserve any time for rebuttal?

12 MR. PARSONS: Your Honor, I just want to clarify. Would
13 you like us to address both the 1140 and the 1146 case within that 90
14 minutes so, in other words, in my original would you like me to address all
15 the issues across those two cases and then have opposing counsel do their
16 presentation on the same two cases?

17 JUDGE ULLAGADDI: That is correct.

18 MR. PARSONS: Okay. Thank you. In that case I think I
19 would like to have an hour and then I would like to reserve 30 minutes for
20 rebuttal.

21 JUDGE ULLAGADDI: Okay. Thank you. Let me just get the
22 timer set here.

23 MR. O'BRIEN: Your Honor, we didn't frankly thought that you
24 might go down like that. We're going to reshuffle our counsels, backup

1 counsel for the one set of cases (indiscernible) at the table. Is there a time
2 that you'd like to let us do that?

3 JUDGE ULLAGADDI: Whenever you're comfortable doing
4 that. Sure.

5 MR. PARSONS: Your Honors, I have slide decks and papers if
6 you would like to have copies of those.

7 JUDGE ULLAGADDI: I think we have the electronic copy,
8 we're okay.

9 MR. PARSONS: Okay.

10 MR. FENSTER: Your Honor, the court reporter would
11 probably --

12 MR. PARSONS: She has a copy of it.

13 MR. FENSTER: Excuse me, Your Honor. So just to clarify
14 the oral order for the hearing determined that the two lens cases, the 032 and
15 the 712, would not be consolidated but would be heard differently because
16 they address different issues, different prior art, different claims. Counsel
17 had both prepared to do the 032, then the 712. I would suggest that if it's
18 okay with the Board then we proceed that way because then, you know,
19 you'll hear responsive arguments on the 032 back and forth and then the 712
20 as opposed to having them intermingle. I just want to throw that out there as
21 it seemed to be what the Oral order had contemplated the hearing, the order
22 for oral argument had contemplated and that's the way we had prepared for
23 it. We think that makes more sense but happy to do it however the panel
24 feels.

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