

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner

v.

QUALCOMM INCORPORATED
Patent Owner

Cases IPR2018-01281 and IPR2018-01282
Patent 8,768,865 B2

Record of Oral Hearing
Held: October 30, 2019

Before DANIEL N. FISHMAN, MICHELLE N. WORMMEESTER, and
AMANDA F. WIEKER, *Administrative Patent Judges*.

Cases IPR2018-01281 and IPR2018-01282
Patent 8,768,865 B2

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The above-entitled matter came on for hearing on Wednesday, October 30, 2019, commencing at 1:02 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

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JUDGE WORMMEESTER: We have our final hearing in cases IPR2018-01281 and IPR2018-01282, Apple Inc. v. Qualcomm Incorporated which concern U.S. Patent Number 8,768,865.

I am Judge Wormmeester. Judges Wieker and Fishman are appearing remotely. Let's get the parties appearances please. Who do we have for Petitioner?

MR. RENNER: Good afternoon, Your Honors. This is Karl Renner from Fish & Richardson and I am joined by colleagues Tom Rozylowicz and Baile Xie, Dr. Xie.

JUDGE WORMMEESTER: And who will be presenting?

MR. RENNER: All three of us will have different pieces of the case, Your Honor. Dr. Xie will address the Wang reference and Dr., Mr. Rozylowicz will address Louch and I'll be doing claim construction.

JUDGE WORMMEESTER: Okay, great. Thank you.

MR. RENNER: And if you, Your Honor, would please we will be reserving 25 minutes.

JUDGE WORMMEESTER: 25 minutes. Okay.

MR. RENNER: And would you like a copy, hard copy of the demonstratives?

JUDGE WORMMEESTER: Sure.

MR. RENNER: Okay. Thank you.

JUDGE WORMMEESTER: Thank you. And for the patent owner, who do we have?

MR. ROBINSON: Good afternoon, Your Honors. Eagle Robinson with Norton, Rose, Fulbright. With me today are Daniel Leventhal and Eric Greene on behalf of patent owner. Mr. Leventhal will be arguing.

JUDGE WORMMEESTER: Okay, great. Thank you so much. Welcome.

MR. ROBINSON: And they would like to reserve 30 minutes for sur-rebuttal.

JUDGE WORMMEESTER: 30 minutes?

MR. ROBINSON: Please.

JUDGE WORMMEESTER: Okay.

MR. ROBINSON: Thank you.

JUDGE WORMMEESTER: All right. We set forth the procedure for today's hearing in our trial order but just to remind everyone the way this will work. Each party will have 90 minutes to present arguments. Petitioner has the burden and will go first and may reserve time for rebuttal. Patent Owner will then have the opportunity to present its argument or response and may reserve time for sur-rebuttal.

Please remember that Judges Wieker and Fishman will be unable to hear you unless you speak into the microphone. And when referring to any demonstrative, please state the slide numbers so that they can follow along. Please also remember that the demonstratives you submitted are not part of the record.

The record of the hearing will be the transcript and we will give you a warning when you're reaching the end of your argument time. Any questions before we proceed? Okay. So, Counsel, you wanted to reserve 25 minutes, right?

MR. RENNER: Correct, Your Honor.

JUDGE WORMMEESTER: Okay. So let me set the clock for you. Okay. I'll set it for 65 minutes and you will get a five minute warning with the yellow light. Does that work for you?

MR. RENNER: Thank you.

JUDGE WORMMEESTER: Okay, great. And you may begin when you are ready.

MR. RENNER: Well, I have dispensed with one of the formalities I was going to do off the bat. This is Karl Renner from Fish & Richardson and I wanted to introduce one of my colleagues, Dr. Xie who will be presenting on Wang in the beginning. She will start out with an explanation of some of the technical details that we think could benefit from the discussion today.

I will be next with claim construction that will apply to both references and then Mr. Rozylovich will complete our presentation addressing Louch. We are pleased with the initiatives for younger attorneys. This will be Dr. Xie's first presentation so I hope you welcome here.

JUDGE WORMMEESTER: Welcome.

MS. XIE: May it please the court. Good afternoon, Your Honors. Would you please your attention to Slide 8 of our demonstratives? So beyond its just variable claim construction theories, Qualcomm raised just one issue, one dispute regarding the Wang based ground.

It is -- it argues Wang has not been shown to disclose the using of the Table 1 to detect the states, the user states. As a result, they argue Wang has not been established to satisfy the identifying of first patent and fixing by association limitations of the independent claims.

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