

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
HTC CORPORATION, HTC AMERICA, INC.,
AND ZTE (USA) INC.,
Petitioners,

v.

INVT SPE LLC,
Patent Owner.

Case IPR2018-01473
(Patent 6,611,676 B2)

Record of Oral Hearing
Held: January 8, 2020

Before THU A. DANG, KEVIN F. TURNER, and
BARBARA BENOIT, *Administrative Patent Judges*.

Case IPR2018-01473
Patent 6,611,676 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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The above-entitled matter came on for hearing on Wednesday, January 8, 2020, commencing at 1:04 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

(1:04 p.m.)

JUDGE DANG: We are here for IPR2018-01473, U.S. Patent
Number 6,611,676.

I am Judge Dang. With me here in Alexandria is Judge Benoit. And
appearing by video is Judge Turner.

Please refer to your demonstratives by number so that Judge Turner
will be able to follow along.

Okay, let's start with appearances. Petitioner.

MR. SEITZ: Good afternoon, Your Honors. Adam Seitz with the
law firm of Erise IP. Also with me from Apple is Aaron Huang.

JUDGE DANG: Okay.

MR. HARTING: Good afternoon, Your Honors. John Harting from
Robins Kaplan on behalf of the Patent Owner INVT SPE LLC. With me is
Mary Pheng and Cyrus Morton, also of Robins Kaplan. And Courtney
Quish of INVT.

JUDGE DANG: Thank you.

Each side will have 60 minutes. Petitioner has the ultimate burden
of establishing patentability, and will proceed first. Also, you may reserve
rebuttal time, so please let me know whether or not you would like to
rebuttal certain time.

Patent Owner will also have a chance to reserve rebuttal time. Okay.

Petitioner, would you like to start? And let me know if you'd like to
have rebuttal time.

1 MR. SEITZ: Yes, thank you. I'd like to reserve 20 minutes for
2 rebuttal.

3 JUDGE DANG: Okay.

4 MR. SEITZ: And it seems to be the theme of the day, we're having
5 some more technical issues. So, I will not be able to pull up the
6 demonstratives on the screen for you to see. I understand that you will have
7 the demonstratives, so I'm just going to refer to them by slide so that they'll
8 be easier to follow along.

9 If Your Honors are ready?

10 JUDGE DANG: Yes.

11 MR. SEITZ: May it please the Board. Starting with DX-2 we have
12 one remaining ground on the 676 petition, ground one. The Patent Owner
13 has disclaimed Claims 4 and 10, which was ground two, so I'm going to be
14 discussing a combination of Keskitalo, Exhibit 1004, with Lindell, Exhibit
15 1005.

16 Before getting to the substance of the combination I want to discuss
17 the basics of the technology between Keskitalo and the 676 patent.

18 Looking now to slide DX-3, we see the 676 patent is directed
19 towards power and rate adjustments that are going to improve the quality of
20 a received signal. So, here we're talking about telecommunications signals.
21 And in a typical communications system -- cell phones and a base station --
22 there's going to be a lot of interference that occurs. It can be interference
23 from the number of cell phones or communications signals that are coming
24 through the air. It can be interference from other buildings. It can be
25 interference from a number of different things.

1 So, there are a lot of signals that need to be basically put aside so that
2 you can get your original transmission, original data from the sender. So
3 when the original signal reaches a receiver it may have interference that has
4 degraded the signal and the data that's contained within that signal.

5 One way to reduce that interference or to ensure that you're going to
6 get your data is to increase the power, the power -- the signal power, which
7 is we're going to be talking and have talked this morning already about the
8 signal-to-noise ratio or the signal-to-interference ratio. So one way to ensure
9 that your message gets to the base station and is able to be discerned through
10 all of the other noise that's out there is to increase the power.

11 Now, that's not always practical. There are limits to what you can do
12 in increasing the power. There's limits to how much your cell phone can
13 actually use power-wise to transmit. There's limits on a health perspective.
14 And there's limits when you're between two different base stations for
15 maybe being on that middle ground, right, where you're still connected to
16 one base station but potentially could connect to another and you'd cause
17 interference yourself if you increase the power.

18 So, with those limits there needs to be a solution for a way to still
19 maintain your data quality without increasing the power. And the 676
20 proposes doing that, but instead of adjusting the power, it's going to adjust
21 the transmission rate.

22 Specifically, what it proposes is adjusting the spreading code to
23 protect signals, the signals that the cell phone is sending, from errors.

24 Moving to DX-4, the way in which the 676 patent accomplishes this
25 is through an adjustment to the spreading codes. Now, there's two different

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