

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HTC CORPORATION, HTC AMERICA, INC., and
SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioner,

v.

UNILOC 2017 LLC,
Patent Owner

Case IPR2018-01589¹
Patent 7,653,508 B1

Record of Oral Hearing
Held: December 11, 2019

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

¹ Samsung Electronics America, Inc., which filed a petition in IPR2019-00889, has been joined as a petitioner in this proceeding.

Case IPR2018-01589
Patent 7,653,508 B1

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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The above-entitled matter came on for hearing on December 11, 2019, commencing at 1:30 p.m., at the United States Patent and Trademark Office, USPTO Madison Building, 600 Dulany Street, Alexandria, VA 22314.

1 (Proceedings begin at 1:30 p.m.)

2 JUDGE O'HANLON: Please be seated. Good afternoon,
3 everyone. This is a hearing in Case No. IPR2018-01589,
4 HTC Corporation and HTC America, Inc., versus Uniloc 2017 LLC;
5 formerly Uniloc Luxembourg S.A. Samsung Electronics America,
6 Inc. has also been joined as a Petitioner in an understudy
7 role. This proceeding involves U.S. Patent No. 7,653,508.

8 I'd like to start by having counsel
9 for the parties introduce yourselves for the record, starting
10 with HTC Petitioner.

11 MR. LANDIS: Good afternoon. Todd Landis and Jeff
12 Swigart for HTC.

13 JUDGE O'HANLON: Is there anyone here for the
14 Samsung Petitioner?

15 MR. VALENTE: Yes, Your Honor. David Valente for
16 Samsung.

17 JUDGE O'HANLON: Okay. Thank you. For Patent
18 Owner?

19 MR. KOIDE: Good afternoon, Your Honor. Brian M.
20 Koide for Uniloc 2017 LLC.

21 JUDGE O'HANLON: Thank you. I'm Judge O'Hanlon.
22 I'm joined here in the Alexandria hearing room by Judge
23 Medley, and we're joined remotely by Judge Horvath. The

1 camera for Judge Horvath is located behind the
2 bench, so there's no need to look at the screen when
3 addressing him.

4 Judge Horvath will only be able to hear what the
5 microphones pick up, so I ask counsel to keep that in mind
6 when making your presentations today. And I'd also ask
7 counsel when referencing demonstratives to please state the
8 slide number so that Judge Horvath, as well as Judge Medley
9 and myself, can follow along more easily.

10 Per our order dated November 6th, each side will
11 have 30 minutes of total time to argue. Petitioner will go
12 first, followed by Patent Owner. Each side may reserve time
13 for rebuttal. If you run over during your argument in chief,
14 I will let you continue arguing using the time you have
15 reserved for rebuttal. I'll endeavor to let you know when
16 this happens, but please be mindful of the timer and the
17 lamps. And as usual, speaking objections are not allowed. You
18 may note anything you care during your time to argue.

19 And with that, I invite Mr. Landis to begin. Mr.
20 Landis, do you wish to reserve any time for rebuttal?

21 MR. LANDIS: Yes, Your Honor. I'd like to reserve
22 ten minutes for rebuttal, please?

23 JUDGE O'HANLON: Ten minutes. All right. So I'll
24 set the timer for 20 minutes. Okay. Begin when you're ready.

25 MR. LANDIS: Thank you, Your Honor. Mr. Swigart,

1 could we go to Slide 2, please?

2 Your Honors, we're here today really, in some ways,
3 from two different types of cases. We have the positions that
4 Uniloc took during their preliminary response and their
5 response, and now the positions that they've taken in their
6 sur-reply in this case. I think under either position that you
7 look at, this claim, Claim 20, the only claim we're here to
8 talk about, should be found unpatentable.

9 In the first instance, because as we see on the
10 slide, this Board has already found many of the claims in the
11 '508 unpatentable, including Claims 3, 13, 15, and 19. Claim
12 15 being the independent claim from which Claim 20 depends.
13 The Board has also found in its institution decision that
14 there's no dissimilarities between Claim 13, Claim 3, and
15 Claim 20. They found those claims to be similar.

16 And so for the same reasons the Board found Claims
17 13 and 3 to be unpatentable, they should find Claim 20 to be
18 unpatentable in favor of Fabio -- the Fabio reference.
19 There's no distinction. And when Patent Owner made their
20 preliminary response and made their actual response in this
21 case, they made the exact same arguments they made, and that
22 this Board heard from -- during the Apple IPR where they found
23 Claims 3, 13, 15, and 19 to be unpatentable. They're the
24 exact same arguments.

25 And for the reasons the Board didn't find those

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