

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

MICROSOFT CORPORATION,
Petitioner,

v.

FG SRC LLC,
Patent Owner.

IPR2018-01601 Patent 7,225,324 B2
IPR2018-01605 Patent 7,620,800 B2

RECORD OF ORAL HEARING
Held: February 4, 2020

Before KALYAN K. DESHPANDE, JUSTIN T. ARBES, and
CHRISTA P. ZADO, *Administrative Patent Judges*.

IPR2018-01601 (Patent 7,225,324 B2)

IPR2018-01605 (Patent 7,620,800 B2)

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, February 4, 2020, commencing at 12:00 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia, before Julie Souza, Notary Public.

P R O C E E D I N G S

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JUDGE ARBES: Hello everyone. This is the third oral hearing in a series of cases. Today we're here for IPR2018-01601 and 1605 involving Patents 7,225,324 and 7,620,800. Can counsel please state your names for the record?

6

MR. MICALLEF: Good afternoon, Your Honors. Joe Micallef, Sidley Austin for Petitioner Microsoft and with me at counsel table is my partner, Scott Border.

9

MR. CHAN: Good afternoon, Your Honors. My name is Alfonso Chan along with my co-counsel, Mr. Hsu, Mr. Vinnacota, Mr. Puckett, Mr. Rafilson. We are here for the Patent Owner. Thank you.

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JUDGE ARBES: Per the Trial Hearing Order, each party will have 90 minutes of time to present arguments in the first hearing today. We will follow the same order of presentation as yesterday. We want to remind you again before we begin, to ensure that the transcript is clear, please only speak at the podium and try to refer to your demonstratives by slide number. Any questions from the parties?

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MR. CHAN: Yes. Your Honor, there was one point I believe we discussed yesterday about the disclaimer claims in the first case that we discussed yesterday? My colleague here, Mr. Hsu, will address those.

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JUDGE ARBES: Counsel, why don't we defer that until after the two hearings today.

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MR. CHAN: Okay. That's fine.

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JUDGE ARBES: Let's take care of these two cases first.

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1 MR. CHAN: I didn't know when you wanted to handle
2 housekeeping matters.

3 JUDGE ARBES: Sure. Thank you very much. Okay, counsel
4 for Petitioner, you may proceed.

5 MR. MICALLEF: Your Honor, may I hand up some slides?

6 JUDGE ARBES: Yes.

7 MR. MICALLEF: Your Honor, may I reserve 30 minutes of
8 my time, please. Thank you. Good afternoon. Joe Micallef for Petitioner
9 Microsoft. I have a number of slides I'd like to go through. Right now I
10 have up on the board slide 2 and this just shows the various grounds that
11 have been instituted in these multiple consolidated proceedings for the two
12 patents, the 324 patent and the 800 patent and my slides I believe are going
13 to be citing to the 324 patent for the most part, if not entirely since the 800 is
14 a straight continuation.

15 You can see from this slide that there are multiple grounds but
16 they are all based on the same basic prior art reference, that is the 1996
17 Splash2 book and there are anticipation grounds, there are single reference
18 obviousness grounds and several combination grounds. As with the other
19 proceedings I'd like to walk through just a brief overview of the patents and
20 then a brief overview of the prior art and then maybe dive into the issues that
21 appear to be disputed from the briefing.

22 So, this is slide 5. The 324 patent issued from an application
23 filed in 2002. The 800 patent is a straight continuation claiming priority
24 back to that same application so the priority date for our purposes is 2002.
25 The patents disclose a computer system that includes a what's called an

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1 adapted processor chip here on slide 6, figure 2 from the patent, which is a
2 reconfigurable device in which a number of functional units can be
3 instantiated or configured in order to process data or various types of data.
4 The original claims in the 324 patent had an extensive file history. They
5 were rejected numerous times over various pieces of prior art. They were
6 amended numerous times. In the end the claims of the two patents are very
7 similar. The main difference is that the 324 patent is directed to a systolic
8 array where the 800 patent is directed to data driven techniques.

9 JUDGE ARBES: Counsel, is there a difference between those
10 two terms?

11 MR. MICALLEF: It seems to be. I think the systolic array
12 would be a subset I think, at least how these terms have been construed in
13 the prosecution history of data driven because I think the notion of the data
14 drive calculation is within the definition of systolic that the Applicants
15 placed on the public record during prosecution. That's the way I read it.

16 JUDGE ARBES: And you agree that, I'm sure we'll get into
17 this, the directly issue with systolic, that does not apply to data driven?

18 MR. MICALLEF: That's right. We didn't put it in in that
19 interpretation. So this is slide 8. Splash2 as I mentioned is the principle
20 reference. It's a book published in 1996 that discloses the famous Splash2
21 computer system and a number of different algorithms that were used to
22 program the Splash2 computer system by various different computer
23 scientists over the years in various different fields. The system itself has a
24 SPARCstation connected to an interface board to a number of what are
25 called array boards. Here on this slide 8 one of the array boards is shown as

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