

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner

v.

COREPHOTONICS, LTD.,
Patent Owner.

Case IPR2019-00030
Patent 9,857,568 B2

Record of Oral Hearing
Held: November 12, 2019

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

Case IPR2019-00030
Patent 9,857,568 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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The above-entitled matter came on for hearing on Tuesday, November 12, 2019, commencing at 10:08 a.m. at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

1 P-R-O-C-E-E-D-I-N-G-S

2 (10:08 a.m.)

3 JUDGE ULLAGADDI: Good morning. Welcome to the Patent
4 Trial and Appeal Board. We are here today for oral arguments in inter
5 partes review matter Number 2019-00030, a case in which Apple is a
6 Petitioner and Corephotonics is the Patent Owner.

7 Your panel for today includes myself, Judge Moore, and Judge Hoff.
8 I would like to start by getting the appearances of counsel. Who do we
9 have on behalf of Petitioner?

10 MR. PARSONS: Your Honor, my name is Michael Parsons on
11 behalf of Petitioner, Apple. With me is my colleague, Jordan Maucotel,
12 and behind me is our colleague from Apple, Mr. Aaron Wong (phonetic).

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

15 MR. RUBIN: Good morning, Your Honor. Neil Rubin of Russ
16 August & Kabat on behalf of the Patent Owner, Corephotonics.

17 JUDGE ULLAGADDI: Thank you. Thank you all for joining us.
18 I've got a few administrative details I'd like to go over, and then we can
19 begin. Each party will have 60 minutes to argue their case. We're going to
20 hear first from Petitioner.

21 Petitioner, you will present your arguments in chief. Patent Owner,
22 you will then be permitted time to present your arguments. And we would

1 also like to mention that we are going to make the transcript from the oral
2 arguments in inter partes review matter Numbers 2018-01133, 2018-01140,
3 and 2018-01146 of record in the present proceeding.

4 Irrespective of that, you're welcome to make any arguments you
5 wish today. These 60 minutes are yours, and you can use them how you
6 wish. So let's begin with Petitioner. Would you like to reserve any
7 rebuttal time?

8 MR. PARSONS: Yes, Your Honor. I would like 20 minutes for
9 rebuttal.

10 JUDGE ULLAGADDI: Okay, when you're ready you may begin.

11 MR. PARSONS: Thank you. I have got copies of our
12 demonstratives if you would like them.

13 JUDGE ULLAGADDI: Yes, please.

14 MR. PARSONS: Okay, thank you. Good morning, Your Honors.
15 Again, I'm Michael Parsons, lead counsel for Petitioner, Apple. In our
16 discussion today there are four primary issues that we would like to discuss
17 with you today.

18 The first one that we'll jump right into is the proper construction of
19 TTL. And we believe, and we still maintain throughout the proceedings
20 that the proper construction of TTL, as you can see on Slide 4, is the length
21 on an optical axis between the object site surface of the first lens element
22 and the image plane.

1 We believe that this is the proper construction in light of both the
2 specification and the claims. And I know that there are some various
3 constructions going about right now.

4 We have briefed it continually in this way because of the record in
5 this case. The Patent Owner is still maintaining that their construction is to
6 an electronic sensor. But to the extent that we would like to discuss the
7 other constructions that have been proposed, we're more than happy to
8 address those today.

9 But as to our specific construction and the reason that we believe that
10 this is the broadest reasonable construction in light of the specification is
11 because if you turn to Slide 5, the specification itself, in the first paragraph
12 of the summary section, it describes embodiments disclosed herein that refer
13 to an optical lens assembly.

14 So this is what the claim -- this is what Claim 1 is directed to. And
15 you can see that in Slide 4 where we've provided a copy of Claim 1. The
16 claims are directed to a lens assembly. And according to the specification,
17 that lens assembly just includes five lens elements.

18 Then in the next paragraph in the summary section it describes an
19 optical lens system that incorporates a number of other optional components,
20 including the lens assembly from the prior paragraph as well as elements
21 including a stop which is the aperture opening, a glass window as well as a
22 sensor that can be placed at the image plane for image formation.

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