

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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INTEL CORPORATION  
Petitioner,

v.

QUALCOMM INCORPORATED  
Patent Owner.

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IPR 2019-00128  
IPR 2019-00129  
Patent 9, 154, 356 B2

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Record Of Oral Hearing  
Held: February 27, 2020

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Before MICHELLE N. WORMMEESTER, AMANDA F. WIEKER,  
AARON W. MOORE, *Administrative Patent Judges.*

IPR 2019-00128 and 00129  
Patents 9,154,356 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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The above-entitled matter came on for hearing on Thursday, February 27, 2020, commencing at 1:00 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia, before Donna Jenkins, Notary Public.

1 PROCEEDINGS

2  
3 JUDGE WORMMEESTER: Please be seated. Good afternoon,  
4 everyone. We have our final hearing in Cases IPR 2019-00128 and IPR  
5 2019-00129, Intel Corporation v. Qualcomm, Incorporated, which concerns  
6 US Patent No. 9,154,356. I'm Judge Wormmeester. With me is Judge  
7 Moore, and Judge Wieker is appearing remotely. Let's get the parties'  
8 appearances, please. Who do we have for Petitioner?

9 MR. LANTIER: Good afternoon, Your Honors. My name is Greg  
10 Lantier and I represent Intel Corporation along with my partner, Ben  
11 Fernandez. Participating remotely from the San Jose office is Brad Law,  
12 associate general counsel at Intel. Not participating, I should say listening,  
13 not participating.

14 JUDGE WORMMEESTER: Okay. Thank you. And who will be  
15 presenting the argument?

16 MR. LANTIER: Your Honor, I would like to present the argument  
17 today.

18 JUDGE WORMMEESTER: Okay. Thank you. And for Patent  
19 Owner, who do we have?

20 MR. COCHRAN: Good afternoon, Your Honor. Steve Cochran on  
21 behalf of the Patent Owner, Qualcomm. With me today is my colleague,  
22 Tom Ritchie, and also with us here in the courtroom is Steve Wurth, who is  
23 a representative of Qualcomm.

24 JUDGE WORMMEESTER: Welcome. And who will be presenting?

25 MR. LANTIER: I will, Your Honor.

1 JUDGE WORMMEESTER: Thank you. We set forth the procedure  
2 for today's hearing in our trial order, but just to remind everyone the way  
3 this will work, each party will have 60 minutes to present arguments.  
4 Petitioner has the burden and will go first and may reserve time for rebuttal.  
5 Patent Owner will then have the opportunity to present its response and may  
6 reserve time for surrebuttal. Please remember that the demonstratives you  
7 submitted are not part of the record. The record of the hearing will be the  
8 transcript. Also, when referring to any demonstrative, please state the slide  
9 number so that Judge Wieker can follow along, and also so that the record is  
10 clear.

11 Are there any questions before we proceed?

12 MR. LANTIER: No, Your Honor.

13 JUDGE WORMMEESTER: And counsel, will you be reserving time  
14 today?

15 MR. LANTIER: I'd like to reserve 15 minutes for rebuttal.

16 JUDGE WORMMEESTER: 15 minutes. Okay. I'll set the clock.  
17 And you'll have a five-minute warning when the light turns yellow. Is that  
18 okay?

19 MR. LANTIER: Yes.

20 JUDGE WORMMEESTER: Okay. Great. You may begin when  
21 you're ready.

22 MR. LANTIER: Thank you, and good afternoon again, Your Honors.  
23 My name is Greg Lantier and I am here on behalf of Petitioner, Intel  
24 Corporation. We are here today for the first two of five instituted IPR trials  
25 concerning the 356 Patent, which is assigned to the Patent Owner,

1 Qualcomm, Incorporated. I'll be referring to these two proceedings as the  
2 128 and 129 IPRs as we proceed today.

3 On Slide 2 of the demonstratives, I've set forth a brief agenda that  
4 follows the format that most hearings follow. I'll start with a very brief  
5 introduction into the technology background of the 356 Patent, some of the  
6 prior art, and then quickly move into the disputed issues so that we can  
7 discuss those.

8 Moving on to Slide 4, I've set forth the grounds that are at issue in the  
9 trials today. The 128 IPR consists of three grounds. Ground 1 is an  
10 anticipation ground by Lee -- the Lee reference and that would take care of  
11 all the challenged claims with respect to that petition, should the Board agree  
12 with Intel's positions on that anticipation ground. We have alternative  
13 grounds of obviousness in Grounds 2 and 3. There is, likewise, an  
14 anticipation ground for Lee with respect to Claims 2 through 6 in the second  
15 IPR proceeding, and for Claim 10, we are relying on an obviousness  
16 combination. I'm going to get -- in Grounds 3 and 4 we have we have these  
17 alternate grounds.

18 Slide 5 summarizes the disputes that are between the parties today,  
19 and as Your Honors are no doubt aware, the primary dispute is one of claim  
20 construction. And particularly what is the proper broadest reasonable  
21 interpretation of the term "carrier aggregation" as that term is used in the  
22 356 Patent. And while it's not binding on Your Honors, there has been a  
23 prior decision on that particular issue, and that was from the United States  
24 International Trade Commission in the ITC proceeding between Qualcomm,  
25 the Patent Owner, and Apple, Inc. -- Incorporated. I will not --

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