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CASE NO. IPR 2019-00820

APPLE INC. )  
)  
VS. ) PATENT TRIAL AND APPEAL BOARD  
)  
MPH TECHNOLOGY'S OY )

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TELEPHONIC HEARING

NOVEMBER 18, 2022

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BE IT REMEMBERED THAT at 12:00 p.m., on  
Friday, the 18th day of November 2022, the  
above-entitled matter came on for hearing via telephone  
and the following proceedings were reported by Janalyn  
Elkins, Certified Shorthand Reporter.

A P P E A R A N C E S .

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PTAB JUDGES:

JOHN D. HAMANN

KEVIN C. TROCK

STACY B. MAGOLIES

1 JUDGE HAMANN: This is a case 2018  
2 IPR 2019-00820, Apple Inc. vs. MPH Technology's Oy. I'm  
3 Judge Hamann. Also on the panel is Judge Margolies and  
4 Trock. I'd like to begin with introductions of the  
5 parties.

6 Who is on the line on behalf of Petitioner,  
7 please?

8 MR. O'BRIEN: Thank you, Your Honor. This  
9 is David O'Brien for Petitioner, Apple, Inc. With me is  
10 my colleague, Hong Shi.

11 JUDGE HAMANN: And for the patent owner,  
12 who is on the line, please?

13 MR. CARMICHAEL: Hello, Judge Hamann. This  
14 is James Carmichael for patent owner MPH.

15 JUDGE HAMANN: Thank you. And did any of  
16 the parties arrange for a court reporter?

17 MR. O'BRIEN: We did, Your Honor, Apple  
18 that is, and the court reporter is on the line as we  
19 speak.

20 JUDGE HAMANN: Thank you. Let me suggest  
21 that when it is ready, a copy of any transcript of this  
22 call gets submitted in these cases.

23 MR. O'BRIEN: Certainly, Your Honor. Would  
24 you like that by email or should we file it in the case  
25 as an exhibit?

1 JUDGE HAMANN: That's a good point. I  
2 can't recall whether I've got it as a paper exhibit  
3 before. It shouldn't be by email. Let me get back to  
4 you whether it would be paper exhibit. I think I'll do  
5 that at the end of the call. But usually a copy should  
6 be sent to the board.

7 With that, obviously the purpose of this  
8 call relates to the remand of these cases and potential  
9 procedure to proceed at this point. I know from my  
10 understanding the email that was sent to the board the  
11 parties said met and conferred. I don't know if they  
12 reached any agreement or if they're still in  
13 disagreement of this new relation that we may need to  
14 decide.

15 Let me begin with Petitioner and let you  
16 address that.

17 MR. O'BRIEN: Certainly, Your Honor. Yes,  
18 you're correct, we've actually met and conferred in  
19 person, which is something that we don't do too  
20 frequently in this practice.

21 But unfortunately, we have not reached  
22 agreement. We've, I think exchanged views on the topic.  
23 I think the upshot, and Mr. Carmichael can supplement  
24 and add as needed, but I think our perspective is that  
25 some process and procedure are due. I believe that

1 MPH's perspective is that the board can simply proceed  
2 to a final decision without hearing from the parties.

3 We did go through in our meet and confer  
4 each of the 11 factors or 11 questions that I think you  
5 might ask us during this hearing.

6 And in those cases, I think we had some  
7 positions and I believe the other party's position is,  
8 since no further interaction in their view is required,  
9 the answer is that all the questions are moot.

10 With that, I can go into sort of our  
11 position. But I think that's the -- that's setting the  
12 table for where we are.

13 JUDGE HAMANN: Thanks, Mr. O'Brien. And  
14 certainly patent owner will be able to respond before  
15 that. But let's step through what Petitioner's proposal  
16 will be and the reason for that. And I'll note that we  
17 obviously are aware of it appears the statutory claims  
18 were filed in this case.

19 So what's left, typically the case, how  
20 that impacts for both cases, but how that impacts  
21 Petitioner's proposal would be helpful to understand.

22 MR. O'BRIEN: And I'll walk through that,  
23 Your Honor.

24 So these cases, they do return to the board  
25 after the patentability determinations were vacated, of

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