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CASE NO. IPR 2019-00820

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

TELEPHONIC HEARING

NOVEMBER 18, 2022

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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