

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

MPH TECHNOLOGIES OY,
Patent Owner.

IPR2019-00823 (Patent 9,712,494 B2)
IPR2019-00824 (Patent 9,712,502 B2)
IPR2019-00826 (Patent 9,838,362 B2)

Record of Oral Hearing
Held: August 11, 2020

Before SALLY C. MEDLEY, KAMRAN JIVANI, and JOHN HAMANN,
Administrative Patent Judges.

IPR2019-00823 (Patent 9,712,494 B2)
IPR2019-00824 (Patent 9,712,502 B2)
IPR2019-00826 (Patent 9,838,362 B2)

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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ON BEHALF OF PATENT OWNER:

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The above-entitled matter came on for hearing on Tuesday, August 11, 2020, commencing at 9:31 a.m., EDT, at the U.S. Patent and Trademark Office, by video/by telephone, before Donna Jenkins, Notary Public.

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

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3 JUDGE HAMANN: This is the consolidated hearing for
4 IPR 2019-00823, 824, and 826. The hearing's been consolidated
5 but the cases remain separate. I'm Judge Hamann on the panel
6 also are Judges Medley and Jivani. I'd like to begin by having
7 the parties introduce themselves and I'd like to begin if
8 Petitioner could please introduce who's on the line on its behalf.

9 MR. BLOCK: Good morning, Your Honors. This is Daniel
10 Block on behalf of Petitioner Apple from the law firm of Sterne,
11 Kessler, Goldstein & Fox. With me today is Michael Specht and
12 Steven Pappas also of Sterne Kessler.

13 JUDGE HAMANN: Thank you. And for Patent Owner, if
14 you could please introduce who's on the line for Patent Owner's
15 behalf. You may need to unmute yourself, Patent Owner.

16 MR. SCHREINER: Thank you, Your Honor. Good
17 morning, Your Honors. My name is Stephen Schreiner from
18 Carmichael IP hear on behalf of MPH Technologies OY and I'm
19 joined here by my colleague, Jim Carmichael.

20 MR. CARMICHAEL: Good morning, Your Honors.

21 JUDGE HAMANN: Good morning. Thank you and good
22 morning to everyone. I'd also like to note there is a public audio
23 line today so we welcome the folks that may be listening in on
24 that. To begin, a reminder we're obviously participating via

IPR2019-00823 (Patent 9,712,494 B2)

IPR2019-00824 (Patent 9,712,502 B2)

IPR2019-00826 (Patent 9,838,362 B2)

1 video conference and so when you begin speaking certainly if
2 you're going to reference -- when you begin speaking make
3 certain that you're unmuted and if you could mute yourself when
4 you're not speaking, that would be helpful. Also please try to
5 endeavor to identify in the record if you're -- a specific cite if
6 you're referring to something or certainly by slide number, if
7 you're -- what slide if you're referring to a slide that'll make for
8 a clear record and allow us to follow along more readily.

9 The Hearing Order sets 90 minutes for arguments for each
10 side. That includes rebuttal and surrebuttal. Petitioner bears the
11 burden for unpatentability and so we're going to begin with
12 Petitioner and then Patent Owner will have an opportunity to
13 respond and then any rebuttal and surrebuttal. I'm going to ask
14 when each party begins their initial presentation, if how much
15 time they would like to reserve, if any, for rebuttal or
16 surrebuttal. So let's begin, again with Petitioner bearing the
17 burden. We'll begin with Petitioner and Mr. Block, how much
18 time would you like to reserve for rebuttal?

19 MR. BLOCK: Thank you, Your Honor. I would like to
20 reserve 40 minutes for rebuttal.

21 JUDGE HAMANN: Forty of your ninety?

22 MR. BLOCK: That's correct, Your Honor.

23 JUDGE HAMANN: Thank you, and we'll certainly
24 endeavor to give you a time warning when you're towards the

IPR2019-00823 (Patent 9,712,494 B2)

IPR2019-00824 (Patent 9,712,502 B2)

IPR2019-00826 (Patent 9,838,362 B2)

1 end but to the extent you can track your time yourself too, I
2 think that would be helpful. With that, please proceed.

3 MR. BLOCK: May it please the Board. As I mentioned
4 earlier, my name is Daniel Block on behalf of Petitioner Apple.
5 The Board should find unpatentable all of the challenged claims
6 in the 494, 502, and 362 patents because they are rendered
7 obvious by the combination of RFC3104 and Grabelsky.

8 The primary dispute between the parties here is whether or
9 not RFC3104 discloses a mobile computer. But RFC3104
10 explicitly discloses a laptop which is used in a Roadwarrior
11 scenario. In other words, a situation where a laptop is travelling.
12 MPH tries to avoid this teaching by taking a shifting sands
13 approach with respect to the construction for a mobile computer
14 but the Board should reject all of MPH's constructions as they
15 are simply unsupported by the specification and contradicted by
16 the claims and, more importantly, even if the Board adopted
17 MPH's incorrect constructions the references still teach a mobile
18 computer, even under their constructions.

19 With respect to MPH's remaining arguments for the
20 dependent claims, MPH primarily relies on its improper
21 constructions for a mobile computer or raises hyper-technical
22 distinctions that are meaningless under an obviousness-type
23 challenge like we have here.

24 So with that, Your Honors, I would like to turn to slide 2 of



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