UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MICROSOFT CORP.,
Petitioner,

v.

UNILOC 2017 LLC,
Patent Owner.

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IPR2019-01026
Patent 6,993,049 B2

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Record of Oral Hearing
Held: September 10, 2020

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Before SALLY C. MEDLEY, JEFFREY S. SMITH, and GARTH D. BAER,
Administrative Patent Judges.

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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     The above-entitled matter came on for hearing on Thursday, September 10, 2020, commencing at 1:00 p.m. EDT, via Videoconference.

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

2   1:01 p.m.

3   JUDGE BAER: Hello, everyone.   This is the hearing for IPR

4   2019-01026, which is Microsoft Corporation v. Uniloc 2017 LLC.   The

5   patent at issue is patent number 6,993,049.   I am Judge Baer and with me on

6   the line is Judge Medley, as well as Judge Smith.

7   If we could go ahead and get the parties appearances if we could,

8   please?   Who do we have for the Petitioner Microsoft?

9   MS. JELSEMA: Sarah Jelsema for Petitioner Microsoft, and on the

10 video conference today is lead counsel, Andrew Mason, who I understand

11 will be turning off his video at Mr. Rogers' request earlier to save

12 bandwidth.

13   JUDGE BAER: Great, thank you, Ms. Jelsema, and you'll be

14 presenting argument, is that correct?

15   MS. JELSEMA: Yes.

16   JUDGE BAER: Great, thank you.   And who do we have for Patent

17 Owner, please?   Mr. Mangrum, are you there?

18   MR. ROGERS: It looks like his microphone is muted.   Stand by.

19   MR. MANGRUM: Sorry, exactly, I had to unmute.   I'll have to get

20 in the habit of that.   Brett Mangrum for the Patent Owner Uniloc 2017 LLC.

21 I'll be speaking today, and with permission of Your Honors, I will present in

22 a seated position just so I can stay on camera frame.

1   JUDGE BAER: Of course.   Thank you, Mr. Mangrum.   All right,

2   we set forth the procedure in our trial hearing order, but just to make sure

3   everybody knows how this goes, each side will have 45 minutes.   You can

4   divvy that up however you want as far as your reply, response, surreply.

5   Rebuttal time is what I'm trying to say.

6   We have the record in front of us, so if you would, tell us when

7   you're referring to a particular piece of evidence, or a particular exhibit, or a

8   particular slide number.   That will also help us to keep the record straight.

9   If you would, also please mute your phone when you are not

10   speaking, and of course unmute when you are speaking, that would be

11   helpful.   And with that, I think we are ready to begin.   Does Petitioner,

12   Counsel for Petitioner have any questions?

13   MS. JELSEMA: No, Your Honor.

14   JUDGE BAER: Great, and Mr. Mangrum, any questions from you?

15   MR. MANGRUM: None from Patent Owner, Your Honor.

16   JUDGE BAER: Great, thank you.   All right, Ms. Jelsema, we'll put

17   -- first of all, do you want to reserve any time for rebuttal?

18   MS. JELSEMA: Yes, please.   I'd like to reserve 20 minutes.

19   JUDGE BAER: All right, so we'll go 25 and 20 if my math is right.

20   We'll put 25 minutes on the clock and you can begin whenever you're ready.

21   MS. JELSEMA: All right, may it please the Board, thank you for

22   your time today.   Microsoft's petition demonstrated that Claims 11 and 12

1   of the 049 patent are unpatentable and should be canceled.   The evidence

2   developed for the petition has only further supported that conclusion.

3   If you turn to slide two in Microsoft's demonstratives, it lists the

4   grounds at issue in this IPR.   Ground 1 is Larsson, Bluetooth, and RFC825,

5   and Ground 2 is 802.11.

6   As the Board and the parties are aware, the Board, in July of this

7   year, issued a final written decision in an IPR finding Claims 11 and 12 of

8   the 049 patent unpatentable as obvious over Larsson alone and Larsson

9   combined with Bluetooth.

10   The Board, in that final written decision, made several findings that

11   are relevant to this IPR and I will refer to that IPR as the Apple IPR.   If you

12   click to slide three, two claim constructions are in dispute in this IPR.

13   The first is inquiry message.   This claim raised does not require

14   construction, but it could be construed as a query for information or a

15   message seeking information.   In the Apple IPR, the Board construed this

16   phrase as a message seeking information or knowledge, and that

17   construction would also be acceptable.

18   If you move to slide four, the other claim construction claim phrase

19   whose construction is in dispute is additional data fields.   This phrase does

20   not require construction.

21   Patent Owner proposed in its Patent Owner response that it should be

22   construed to mean an extra data field appended to the end of an inquiry

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