

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE, LLC,
Petitioner,

v.

UNILOC 2017, LLC,
Patent Owner.

IPR2020-00756
Patent 9,564,952 B2

Record of Oral Hearing
Held: July 15, 2021

Before SALLY C. MEDLEY, MICHAEL R. ZECHER, and
NABEEL U. KHAN, *Administrative Patent Judges*.

IPR2020-00756
Patent 9,564,952 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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ON BEHALF OF THE PATENT OWNER:

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The above-entitled matter came on for hearing on Thursday, July 15, 2021, commencing at 3:00 p.m., EDT, by video.

PROCEEDINGS

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JUDGE ZECHER: Good afternoon. My name is Judge Zecher. I have two colleagues with me today, Judge Medley and Judge Khan. This is a hearing for IPR2020-00756. At issue are Claims 9 through 12 of U.S. Patent No. 9,564,952.

So I'm going to start today with the parties providing us with appearances. If possible for Petitioner and Patent Owner, please let us know who may be speaking today so the court reporter is aware of who you are so she can keep tabs of you during the hearing. So let's start with Petitioner, Google, please.

MR. STACH: Thank you, Your Honor. This is Jason Stach on behalf of Petitioner, Google. I am joined by our lead counsel, Erika Arner, by video. We also have dialed in Charley Stiernberg who is IP counsel from Google and our back-up counsel, Benjamin Saidman. I will be presenting the argument today, Your Honor.

JUDGE ZECHER: Okay. Thank you.

For Patent Owner, Uniloc?

MR. MANGRUM: Yes. Good afternoon, Your Honors. This is Brett Mangrum. I will be arguing today on behalf of Patent Owner. I'd like to also announce that Steve Pederson, in-house counsel for Patent Owner, is listening on the line.

JUDGE ZECHER: Okay. Thank you. So let me first start by just thanking the parties for agreeing to appear by video today. I want to make sure that if you have any technical difficulties you let us know immediately so we can make the appropriate remedies. We do have a public dial-in line

1 that we can use as a back-up.

2 As far as how the proceeding is going to go today, Google as the
3 Petitioner has the burden of persuasion so they're going to go ahead and
4 present their case-in-chief. They can reserve some rebuttal time. After
5 which Uniloc will present their case. They can also make use of some
6 surrebuttal, so let's get started.

7 Mr. Stach, how much time would you like for rebuttal today or --

8 MR. STACH: Twelve minutes.

9 JUDGE ZECHER: -- to reserve for rebuttal?

10 MR. STACH: Twelve minutes --

11 JUDGE ZECHER: Twelve minutes? All right.

12 MR. STACH: -- please, Your Honor.

13 JUDGE ZECHER: Okay. So you have 45 minutes according to our
14 hearing order in total, so I'll go ahead and set my timer at 33 minutes and
15 you can begin when you're ready.

16 MR. STACH: Thank you, Your Honor. I appreciate you all spending
17 time with us today and I also appreciate that Judge Medley was on a back-
18 to-back hearing. This is back-to-back with another hearing she was on, so I
19 will try to keep this as interesting as possible recognizing it can be a long
20 afternoon.

21 So to that end, I'm actually going to skip right to the disputes between
22 the parties. So if you wouldn't mind turning to Slide 14 of Petitioner's
23 demonstratives and I'll give some background as we go through these
24 disputes, but to sort of discuss that background as we talk about the different
25 disputes.

26 What we have on Slide 14 is Claim 9. This is the only challenged

1 independent claim in the '952 Patent. We also have challenged Claims 10
2 through 12. Those are dependent claims, but Uniloc has not raised any
3 specific disputes related to the language in those claims. All of the disputes
4 between the parties relate to language that's in Claim 9, so that will be the
5 focus today.

6 Generally, the technology relates to a method of near field
7 authentication of a source using sound waves and there's a number of
8 different steps that are recited, the first being that the system will scan a
9 plurality of predetermined frequencies for a free frequency. Then it will
10 select the free frequency from that plurality of predetermined frequencies
11 and from there it goes on to generate a message and a modulated carrier
12 wave based on that message and then transmits that message.

13 There are some additional details about how it generates the message
14 and the modulated carrier wave and we'll get into those a bit later. But for
15 now, I'd like to focus on the dispute over the first term that shows up in red
16 on the slides, it's "scanning a plurality of predetermined frequencies."

17 If we go to Slide 15, we can see that a primary dispute between the
18 parties is whether the Paulson reference which is a reference that also uses
19 sound waves to communicate information. It's like the '952 Patent in that
20 regard. In fact, both Paulson and the '952 talk about the reason for using
21 sound waves is largely because the hardware for communicating these in
22 sound waves is often found already on devices that people already have.

23 So for example, a loud speaker can transmit the sound wave and then
24 there can be a microphone on the receiving device that if it's able to sample
25 at appropriate rates and so forth, can then pick up that sound wave and
26 demodulate it.

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