

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FITBIT, INC.,
Petitioner,

v.

PHILIPS NORTH AMERICA LLC,
Patent Owner.

IPR2020-00783
Patent 7,088,233

Record of Oral Hearing
Held virtually: Thursday, July 29, 2021

Before STACEY G. WHITE, MICHELLE N. WORMMEESTER, and
NORMAN H. BEAMER, *Administrative Patent Judges*.

IPR2020-00783
Patent 7,088,233

A P P E A R A N C E S

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The above-entitled matter came on for hearing on Thursday July 29, 2021, commencing at 1:00 p.m. EST, by video/by telephone.

1 (Proceedings begin at 1:00 p.m.)

2 JUDGE BEAMER: Good afternoon. This is Judge
3 Beamer. Are we all ready to start?

4 With me are Judges White and Wormmeester.

5 This is Fitbit Inc. v. Philips North America
6 LLC, IPR 2020-783.

7 Could the parties introduce themselves and
8 spell their name.

9 MR. PALYS: Good afternoon, Your Honors.

10 This is Joseph Palys for petitioner. My last
11 name is spelled P-a-l-y-s.

12 And today I'm joined with my colleagues Naveen
13 Modi, Yar Chaikovsky, and David Okano.

14 MR. THOMPSON: Your Honor, I believe that
15 that, if I'm not mistaken, was everybody for the
16 petitioner, and in such case, I'm pleased to introduce
17 myself. My name is Eley Thompson of Foley & Lardner on
18 behalf of the patent owner, Philips North America.

19 And with me from my firm are Rubin Rodriguez,
20 and you see G. Beck there, but that's George Beck on
21 the boxes on the video. So the three of us are
22 appearing on behalf of the patent owner.

23 I will be presenting or arguing.

24 JUDGE BEAMER: Thank you.

25 So this is a video hearing and our first
26 priority is to make sure everyone can be heard. So if

1 at any time anyone has difficulties or is disconnected,
2 please speak up, or if you are disconnected, you may
3 need to contact the team who originally provided you
4 with the connection information.

5 If you do drop off, try to note where things
6 were being discussed at the time so we can pick up at
7 the proper point.

8 Anyone who is not speaking, please mute your
9 mic and only unmute when you are speaking, and identify
10 yourself when you speak so that the transcript reflects
11 the speaker correctly.

12 When referring to an item on the record or a
13 slide in your presentation, please specify the slide
14 number or the citation so the panel can follow along
15 and so the transcript is clear.

16 I understand this is a public line so there
17 may be members of the public listening in.

18 So petitioner will go first. Each party has
19 one hour.

20 Petitioner, do you wish to reserve any time
21 for rebuttal?

22 MR. PALYS: Yes, Your Honor. We're going to
23 shoot for 20 minutes for rebuttal.

24 JUDGE BEAMER: Okay. So you may begin when
25 you're ready.

26 MR. PALYS: May it please the Board.

1 If we turn to our petitioner demonstratives
2 that I assume that Your Honors have in front of you, we
3 can turn to Slide 2, and I will begin.

4 In this proceeding, the challenged claims, as
5 you know, are at issue across seven grounds, and the
6 grounds are split up, basically, across two primary
7 references, and that's Jacobsen and Say.

8 Based on how trials progress and given the
9 issues that have been identified through patent owner's
10 papers, the issues have been really narrowed down to a
11 few items.

12 If we go to Slide 3.

13 Therefore, for purposes of today, Your Honors,
14 I'd like to first focus on the security mechanism term
15 and discuss how the prior art discloses and/or suggests
16 that feature, and then, depending on how much time is
17 left, I'll try to respond to the patent owner's
18 arguments with respect to the dependent claims.

19 Of course, the Board is driving the bus here,
20 so if any questions, kind of, divert from this intended
21 path, obviously, I'll do my best to answer those
22 questions.

23 So with that, let's turn to Slide 6, please.

24 And on Slide 6 we see Claim 1 of the '233
25 patent, and that's the sole, independent claim at issue
26 here.

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