

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.,
Petitioner,

v.

COREPHOTONICS LTD.,
Patent Owner.

IPR2020-00861 (Patent 10,230,898 B2)
IPR2020-00862 (Patent 10,356,332 B2)1

Record of Oral Hearing
Held Virtually: Thursday, September 9, 2021

Before BRYAN F. MOORE, MONICAS. ULLAGADDI, and
BRENT M. DOUGAL, *Administrative Patent Judges*.

IPR2020-00861 (Patent 10,230,898 B2)
IPR2020-00862 (Patent 10,356,332 B2)1

APPEARANCES:

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The above-entitled matter came on for hearing on Thursday, September 9, 2021, commencing at 9:01 a.m. EST, by video/by telephone.

1 PROCEEDINGS

2 JUDGE MOORE: Good afternoon. We are here today
3 for oral arguments in Inter Partes Review numbers 2020-00861
4 and 862. Let's start the hearing by getting appearances by
5 the counsel. Who is here on behalf of the petitioner?

6 MR. O'BRIEN: Thank you, Your Honor. This is David
7 O'Brien at Haynes & Boone in Austin, Texas for petitioner
8 Apple. I'm also here with Hong Shi, my colleague. And I
9 believe that Aaron Huang from Apple and Priya Viswanath from
10 Cooley are both on the line as well.

11 JUDGE MOORE: All right. Thank you. And then for
12 patent owner?

13 MR. FENSTER: Good morning, Your Honors. This is
14 Marc Fenster with Russ August & Kabat on behalf of patent
15 owner, Corephotonics. With me on the line are my colleagues
16 Neil Rubin, Jonathan Link, and James Tsuei.

17 JUDGE MOORE: All right. Thank you. With me this
18 morning -- I'm Judge Moore. We have Judge Ullagaddi and Judge
19 Dougal. So as you're aware, this hearing is being held
20 remotely by video conference. We want to make sure everyone
21 is going to be heard. If at any time during the hearing you
22 have technical or other difficulties that you feel undermine
23 your ability to adequately represent your client please let us
24 know immediately by contacting the team member who provided
25 you with the connection information. We will address any
26 issues that arise. If necessary, we can adjust the time to

1 account for these technical issues.

2 The judges have the parties' demonstratives but
3 please remember when referring to the demonstratives to
4 identify the slide you're on so that we can follow along.
5 Also, if you refer to the record, make sure that you refer to
6 where in the record, exhibit number, et cetera, and give the
7 judges time to catch up with you and pull up the record that
8 you're referring to.

9 Please identify yourself when speaking so that the
10 reporter can accurately record the transcript. I will also
11 remind you that the recording of this proceeding either by
12 audio or video is prohibited.

13 As set forth in the oral hearing order, each party
14 will have 90 minutes total time to argue the two cases.
15 Petitioner, who bears the burden to show unpatentability, will
16 begin by presenting its case-in-chief and then patent owner
17 will respond thereafter the petitioner. You may reserve time
18 for rebuttal and the patent owner may reserve time as well.
19 You may not reserve more than half your time for rebuttal.

20 I would also remind the parties that any objection,
21 unless they go to confidentiality or some issue where a
22 confidential matter would be revealed, but any other objection
23 should be held and not interrupt the other side's
24 presentation. Give us those rebuttals during your
25 presentation.

26 I want to say I think in these cases we do have
27 secondary considerations. I believe these parties and this

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1 counsel have dealt with this before in these cases. Can
2 counsel let me know if there are issues of confidentiality or
3 if that is going to be something that we will be talking about
4 today? And I guess I'll start with petitioner.

5 MR. O'BRIEN: Subject to needing to respond to
6 something from the patent owner, none of our material will be
7 confidential. I believe there are slides identified by the
8 petitioner as subject to the protective order.

9 JUDGE MOORE: Okay. Well, I think what you're
10 telling me is that you don't plan on entering into any
11 confidential information. If you do, let me know so that we
12 can act accordingly. And patent owner?

13 MR. FENSTER: This is Marc Fenster. We do not
14 anticipate introducing or discussing confidential information
15 at today's hearing.

16 JUDGE MOORE: All right. Thank you. The other
17 thing I saw that patent owner had two sets of slides. My
18 sense in these cases are that they overlap very heavily. I
19 think it would make sense for these cases -- to discuss them
20 together. So if that is going to be a problem for patent
21 owner we could certainly give you some time to adjust to that,
22 but assuming that that's okay, we will go and do the full 90
23 minutes for each party.

24 So I want to have petitioner come up. Tell me how
25 much time you would like to reserve total for both cases and
26 we'll proceed on that basis. Again, I think I may have
27 misspoke. I think petitioner also has two sets but that's I

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