

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE, INC.,  
Petitioner,

v.

COREPHOTONICS LTD.,  
Patent Owner.

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IPR2020-00878  
Patent 10,330,897 B2

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Record of Oral Hearing  
Held Virtually: September 8, 2021

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Before BRYAN F. MOORE, MONICAS. ULLAGADDI, and  
JOHN R. KENNY, *Administrative Patent Judges*.

IPR2020-00878  
Patent 10,330,897 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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The above-entitled matter came on for hearing on Wednesday,  
September 8, 2021, commencing at 3:10 p.m. EST, by video/by telephone.

PROCEEDINGS

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1  
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3 JUDGE MOORE: So this is the hearing in IPR2020-  
4 00878 I believe. I have with me today -- I'm Judge Moore.  
5 With me today are Judge Ullagaddi and Judge Kenny. I guess  
6 I'll get appearances first and then I'll give you a few ground  
7 rules for today starting with petitioner.

8 MR. PARSONS: Your Honor, I'm Michael Parsons, lead  
9 counsel for petitioner. With me today is Mr. Jordan Maucotel  
10 who is backup counsel, as well as Mr. Aaron Wang who is  
11 in-house counsel for Apple.

12 JUDGE MOORE: And patent owner?

13 MR. RUBIN: Good afternoon. Good afternoon, Your  
14 Honor. This is Neil Rubin, counsel for the patent owner,  
15 Corephotonics, and with me are my co-counsel, Marc Fenster,  
16 James Tsuei, and Jonathan Link.

17 JUDGE MOORE: Thank you. I'm having some issues  
18 here but -- if it's all right with the parties I'll do this  
19 initial without the video for a moment here. So the parties  
20 have been given one hour each for their presentations. They  
21 can -- we'll start with petitioner who's got the burden and  
22 both parties can request a rebuttal time, no more than half of  
23 your time to be reserved to rebuttal.

24 The parties are reminded that in this video format  
25 that we have, if you refer to slides or you refer to anything  
26 in the evidence you should tell us what it is by page number

1 or by what part of the evidence and be aware that it may take  
2 a few moments for the judges to get a hold of whatever that  
3 evidence is.

4 Parties should hold any objection that they may  
5 have to what's going on to their own presentation so there's  
6 no interruption of the other side's presentations. And the  
7 parties should identify themselves when they speak and when  
8 they are not speaking try to stay on mute. It helps per the  
9 overall audio production today.

10 The other thing I wanted to mention is that -- I've  
11 lost the one thing I wanted to say but we'll start with  
12 petitioner and maybe petitioner can let me know how much time  
13 they would like to reserve.

14 MR. PARSONS: I would like to reserve 20 minutes,  
15 Your Honor, for rebuttal.

16 JUDGE MOORE: Okay. All right. I will keep the  
17 time and unless there's something from the other two judges  
18 you can begin whenever you're ready.

19 MR. PARSONS: Thank you, Your Honor. Now turning  
20 to slide 2, what we're discussing in this hearing is the 897  
21 patent and the 897 patent recites a miniature telephoto lens  
22 design, just like the other two cases that we have already  
23 discussed today, and that miniature telephoto lens design has  
24 five lens elements. But the important aspect here is that it  
25 is telephoto, not a wide-angle lens.

26 As you can see in slide 2, we have presented four

1 grounds in the petition. The first ground which showed how  
2 the claims were rendered were anticipated by Ogino Example 5  
3 has not been challenged by patent owner. There's no dispute  
4 that Ogino Example 5 renders these challenged claims obvious  
5 in ground 1. All we're discussing today are grounds 2 through  
6 4. And specifically in ground 2, whether a POSITA would have  
7 found it obvious to modify the F number of Ogino Example 5 to  
8 reduce it to 2.8. And then ground 3, whether a person of  
9 ordinary skill in the art would have found it obvious to  
10 further reduce the F number from 2.8 to 2.45 based on the  
11 teachings of Bateau and Kingslake. And then the final ground,  
12 this addresses the combination of Chen, Iwasaki, and Beich,  
13 and this ground is based on a combination of Chen replacing  
14 the cover glass to make it thinner based on the teachings of  
15 Iwasaki.

16 Now in slide 3, we just want to go through this one  
17 more time to apprise the board of what the relevant case law  
18 is here. In slide 3 the Federal Circuit said that the  
19 question for obviousness rests on whether a POSITA would have  
20 been motivated to combine the teachings of the prior  
21 references to achieve the claimed invention and that the  
22 skilled artisan would have had a reasonable expectation of  
23 success in doing so. And that's what we presented in our  
24 petition was a showing that a POSITA would have been motivated  
25 to combine the teachings of the prior art in each ground and  
26 that a skilled artisan would have had a reasonable expectation

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