

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.,
Petitioner,

v.

COREPHOTONICS LTD.,
Patent Owner.

IPR2020-00896
Patent 10,317,647 B2

Record of Oral Hearing
Held Virtually: Wednesday, September 8, 2021

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

IPR2020-00896
Patent 10,317,647 B2

A P P E A R A N C E S

ON BEHALF OF THE PETITIONER:

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The above-entitled matter came on for hearing on Wednesday, September 8, 2021, commencing at 10:01 a.m. EST, by video/by telephone.

1 PROCEEDINGS

2 JUDGE ULLAGADDI: Good morning. We are here today
3 for oral arguments in Inter Partes Review Matter number 2020-
4 00896, a case in which Apple is the petitioner and
5 Corephotonics is the patent owner. At issue is U.S. Patent
6 number 10,317,647. Your panel for the hearing today includes
7 Judges Moore, Dougal, and Ullagaddi. I would like to start by
8 getting the appearances of counsel. Who do we have on behalf
9 of petitioner?

10 MR. PARSONS: Thank you, Your Honors. This is
11 Michael Parsons with Haynes & Boone representing petitioner
12 Apple.

13 JUDGE ULLAGADDI: Thank you. And who do we have on
14 behalf of patent owner?

15 MR. FENSTER: Good morning, Your Honor. This is
16 Marc Fenster with Russ August & Kabat on behalf of patent
17 owner. I have additional counsel with me on the line: Neil
18 Rubin, Jonathan Link, and James Tsuei.

19 JUDGE ULLAGADDI: Thank you. As you are aware,
20 this hearing is being held remotely through video conference.
21 Our primary concern is everyone's right to be heard. If at
22 any time during the hearing you do encounter technical or
23 other difficulties that you feel may undermine your ability
24 to adequately represent your client please let us know
25 immediately by contacting the team member who provided you
26 with the connection information. We will try to address any

1 issues that may arise and, if necessary, we can also adjust
2 your time to account for any technical issues.

3 The judges have the parties' demonstratives.

4 Please remember when referring to the demonstrative to
5 identify what slide number you're on so that we can all
6 follow along and make sure that the record is clear. And
7 also for the record, please identify yourselves when speaking
8 and mute yourselves when not speaking. Also, I would like to
9 remind everyone that recording of this proceeding either by
10 audio or video is prohibited.

11 As set forth in our oral hearing order, each party
12 will have 60 minutes to argue. Petitioner, who bears the
13 burden to show unpatentability of the challenged claims by a
14 preponderance of the evidence, will begin by presenting its
15 case-in-chief. Patent owner will then respond to
16 petitioner's arguments, and thereafter petitioner may use any
17 time that it has reserved for rebuttal to respond to patent
18 owner's argument. Petitioner's rebuttal may not be more than
19 half of the allotted time. Thereafter, patent owner may use
20 any time that it has reserved for surrebuttal to respond to
21 petitioner's rebuttal.

22 Mr. Parsons, would you like to reserve any time for
23 rebuttal today?

24 MR. PARSONS: Yes, Your Honor. I would like to
25 reserve 20 minutes. Also, we would like to request a
26 consolidated oral hearing transcript between the three
27 hearings that we're having today given the overlap of the

1 issues and the slight change between the panels. We believe
2 that each panel would be best served by hearing the arguments
3 entered for each case with regard to the issues that overlap
4 between each of these cases.

5 JUDGE ULLAGADDI: Your request is noted. The panel
6 will talk about that and see if we can accommodate that
7 request. I know there might be some confidential information
8 discussed in one of the cases so we'll have to figure out how
9 we can handle that.

10 MR. FENSTER: Yes, Your Honor. Excuse me, Your
11 Honor. This is Marc Fenster. I do want to respond to the
12 consolidated transcript request. Patent owner would object
13 to that in the following sense. Apple, the petitioner, has
14 introduced some evidence in some hearings and not in others
15 and we think it's improper for arguments to be made that
16 weren't made properly in the petition or the reply to then
17 pull in evidence that was made in the later other IPR
18 hearing. So because of that, notwithstanding the
19 convenience, we think it's unfair to do so.

20 JUDGE ULLAGADDI: Patent owner's objection is noted
21 and the panel will consider both sides' requests and rule on
22 that in due course.

23 Mr. Parsons, you will have 40 minutes for your
24 primary case and when you are ready you may present your
25 remarks.

26 MR. PARSONS: Thank you, Your Honor. Again, I'm
27 Michael Parsons of Haynes & Boone representing petitioner

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