

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

COREPHOTONICS, LTD.,
Patent Owner.

IPR2020-00905 (Patent 10,225,479 B2)
IPR2020-00906 (Patent 10,225,479 B2)

Record of Oral Hearing
Held: August 12, 2021

Before BRYAN F. MOORE, JOHN F. HORVATH, and
MONICA S. ULLAGADDI, *Administrative Patent Judges.*

IPR2020-00905 (Patent 10,225,479 B2)

IPR2020-00906 (Patent 10,225,479 B2)

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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ON BEHALF OF PATENT OWNER:

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The above-entitled matter came on for hearing on Thursday, August 12, 2021, commencing at 12:59 p.m., EDT, at the U.S. Patent and Trademark Office, by video/by telephone, before Chris Hofer, Notary Public.

P R O C E E D I N G S

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2 JUDGE HORVATH: Good afternoon everyone. This is
3 Judge Horvath at the Patent Trial & Appeal Board. With me
4 today are Judges Ullagaddi and Moore and we here for oral
5 argument in Apple, Inc. v. Corephotonics, Ltd, case No. IPR
6 2020-00905 in which Apple challenges the patentability of
7 certain claims in U.S. patent No. 10,225,479 B2 which is
8 assigned to Corephotonics. Can I ask counsel for Apple to
9 please introduce yourself.

10 MR. PARSONS: Judge Horvath, this is Michael Parsons
11 with Haynes & Boone representing Petitioner Apple.

12 JUDGE HORVATH: Okay. Thank you, Mr. Parsons. And
13 will you be presenting the argument on behalf of Apple today?

14 MR. PARSONS: Yes, I will be. Thank you.

15 JUDGE HORVATH: Thank you, sir. And counsel for
16 Corephotonics, please introduce yourself.

17 MR. FENSTER: Yes. Good morning, Your Honor. This is
18 Marc Fenster with Russ, August & Kabat and I'll be presenting
19 argument on behalf of the Patent Owner Corephotonics. With me
20 on the line are my colleagues Neil Rubin and James Tsuei.

21 JUDGE HORVATH: Okay. Thank you, Mr. Fenster. So
22 before we begin I'd like to address some administrative issues
23 and provide you with some guidance. Before I do that though I'd
24 like to thank you for participating in this hearing remotely and

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1 for also agreeing to allow this hearing to be recorded in order to
2 be presented at the InSide PTAB conference or event to be held
3 later this month.

4 Now this is the first time, for me anyway, that we've done
5 one of these hearings via Webex. I think this is a new
6 technology platform we're trying. I don't expect there to be any
7 technical issues. We've already had a few with audio but those
8 were mostly, I think at least on my part -- just -- I didn't unmute
9 myself and I think that's -- so there's a little bit of a learning
10 curve here. Hopefully we won't have any technical issues that
11 we have to resolve, but in the event that we do, please try to let
12 us know and we will of course suspend the proceeding until we
13 can resolve that issue and try and keep track of the time so that
14 no one's time is lost.

15 Let's see. I think, as I said, a portion at least of this
16 hearing is going to be recorded to be presented at the InSide
17 PTAB event. I will note that Patent Owner Corephotonics has
18 produced evidence of secondary considerations of
19 nonobviousness. That evidence is currently under seal and so it's
20 possible that to the extent that evidence will be discussed at
21 today's hearing, a portion of this hearing will have to be
22 conducted under seal. That portion of course will not be
23 recorded and will not be shown at the InSide PTAB event.

24 Per the terms of our Order on July 6, each party will have a
25 total of 45 minutes argument time. Because Apple bears the

1 burden of demonstrating the unpatentability of the claims in this
2 challenge, Apple will proceed first and may reserve a portion of
3 its total argument time for rebuttal argument. Next,
4 Corephotonics will present its response to Apple's arguments and
5 may introduce argument on secondary considerations of
6 nonobviousness. Corephotonics may also then reserve a portion
7 of its total time for sur-rebuttal. As I said, because that
8 secondary consideration evidence is under seal, we'd ask that
9 Corephotonics present any argument on that issue at the end of
10 its response time and we'd also ask that Corephotonics let the
11 Board know prior to discussing any secondary considerations
12 evidence so that we could discontinue the recording of this
13 hearing and seal the remaining portion of the hearing.

14 After Corephotonics presents its response, Apple may
15 present rebuttal argument with the time it had reserved including
16 argument on secondary considerations of nonobviousness and
17 then Corephotonics may have the last word and present its sur-
18 rebuttal argument in whatever time Corephotonics has reserved
19 for rebuttal. Does everyone understand those instructions?

20 MR. PARSONS: Yes, Your Honor.

21 MR. FENSTER: Yes, Your Honor.

22 JUDGE HORVATH: Okay. Thank you. So, Mr. Parsons,
23 would Apple like to reserve time for rebuttal?

24 MR. PARSONS: Yes, Your Honor. We'd like to reserve 15
25 minutes for rebuttal.

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