

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:

MICHAEL PARSONS, ESQUIRE  
Haynes & Boone, LLP  
6000 Headquarters Drive  
Suite 200  
Plano, TX 75024

ON BEHALF OF PATENT OWNER:

MARC FENSTER, ESQUIRE  
Russ, August & Kabat  
12424 Wilshire Blvd.  
12th Floor  
Los Angeles, CA 90025

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

1 - - - - -

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

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

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

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.

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.