

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MICROSOFT CORPORATION and HP INC.,  
Petitioner,

v.

SYNKLOUD TECHNOLOGIES, LLC,  
Patent Owner.

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IPR2020-01031 (Patent 10,015,254 B1)  
IPR2020-01032 (Patent 10,015,254 B1)

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Record of Oral Hearing  
Held: September 2, 2021

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Before SALLY C. MEDLEY, LYNNE E. PETTIGREW, and  
SCOTT RAEVSKY, *Administrative Patent Judges*.

IPR2020-01031 (Patent 10,015,254 B1)

IPR2020-01032 (Patent 10,015,254 B1)

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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The above-entitled matter came on for hearing on Thursday, September 2, 2021, commencing at 1:00 p.m., EDT, at the U.S. Patent and Trademark Office, by video/by telephone, before Julie Souza, Notary Public.

P R O C E E D I N G S

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JUDGE MEDLEY: Good afternoon. This is the consolidated hearing for IPR 2020-01031 and IPR 2020-01032 between Petitioner Microsoft and HP and Patent Owner Syncloud involving U.S. patent No. 10,015,254. I am Judge Sally Medley and with me are Judges Lynne Pettigrew and Scott Raevsky. At this time we'd like the parties to please introduce counsel for the record beginning with Petitioner.

MR. MICALLEF: Thank you. Good afternoon, Your Honor. This is Joe Micallef from Sidley Austin for Petitioner Microsoft and with me today who will not be arguing is my partner Scott Border, also from Sidley Austin.

JUDGE MEDLEY: Thank you. And for Patent Owner.

DR. GONSALVES: Good afternoon, Your Honor. My name is Dr. Gregory Gonsalves and I'll be representing Patent Owner Syncloud, LLC.

JUDGE MEDLEY: Okay. Thank you. I would like to remind the parties that this hearing is open to the public and the resulting transcript will be available to the public as well. Each party has 40 minutes total time to present their arguments. Petitioner, you'll proceed first and you may reserve some of your argument time to respond to arguments presented by Patent Owner. Thereafter, Patent Owner will respond to Petitioner's presentation and may reserve argument time for surrebuttal.

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1 Petitioner, do you wish to reserve some of your time to respond?

2 MR. MICALLEF: Yes, Your Honor. I would like to  
3 reserve ten minutes. Thank you.

4 JUDGE MEDLEY: Okay. Thank you. And for Patent  
5 Owner, would you like to reserve time?

6 DR. GONSALVES: Yes, please. Ten minutes also.

7 JUDGE MEDLEY: Okay. Thank you. Petitioner, when  
8 you're ready you may proceed.

9 MR. MICALLEF: Thank you, Your Honors. I assume that  
10 Your Honors have copies of our demonstratives. I would like to  
11 allude to them or refer to them and kind of walk through them to  
12 discuss the various issues that I've raised. There are probably  
13 more slides here than I would use. I will certainly direct you to  
14 the ones I'm talking about but I'm happy to jump around and  
15 respond to any questions that the panel may have.

16 JUDGE MEDLEY: Okay. Thank you. Yes, we have your  
17 demonstratives and if you could just indicate for the record  
18 which slide you're referring to.

19 MR. MICALLEF: Of course. I'd like to start with slide 2  
20 which is just a listing of the grounds that are at issue in these  
21 two proceedings. As you mentioned, both proceedings are  
22 directed to the same patent. They are also -- the petitions in both  
23 proceedings are based on the same prior art combinations. The  
24 basic combination is a combination of McCown and Dutta and  
25 for certain dependent claims the combination is McCown, Dutta

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1 and Coates. I'd like to start out by noting that this analysis in  
2 these proceedings is nearly identical to an earlier IPR against a  
3 related patent that was IPR 2020-00316, the final written  
4 decision in which was issued in June 14th of this year and many  
5 of the arguments and issues that are raised in these proceedings  
6 were raised and addressed in that proceeding final written  
7 decision, not necessarily all of them but the vast majority of  
8 them. So just for the panel's convenience I will note when that  
9 prior final written decision which involved not only a related  
10 patent but a patent with an identical specification and nearly  
11 identical claims so I'll note when those issues have been  
12 addressed by the PTAB in the past. What I'd like to do is just do  
13 a very brief overview of the 254 patent, a brief overview of the  
14 prior art relied on in the petition and the analysis advanced there  
15 and then I'll address the patentability issues.

16 If I could direct your attention to slide 5 of Petitioner's  
17 demonstratives. This is just the base of the '254 patent. It's to a  
18 Mr. Tsao entitled "System and Method for Wireless Device  
19 Access to External Storage." The underlying application was  
20 filed in 2015 but it claims priority to the file 2003.

21 If you could look at the next slide, slide 6. I have here  
22 claim 1 but more specifically figure 3 of the '254 patent which I  
23 think is useful just to use as an overview of the claimed  
24 functionality. In the disclosed system there's essentially three  
25 parts. There's a wireless device that's used by a user and that's at

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