

1 UNITED STATES PATENT AND TRADEMARK OFFICE

2

3 BEFORE THE PATENT TRIAL AND APPEAL BOARD

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6 APPLE, INC.,
Petitioner

7

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v.

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10 LBT IP I, LLC,
Patent Owner

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13 Inter Partes Review Case No. IPR2020-01189
U.S. Patent No. 8,497,774

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THE VIDEO CONFERENCE HEARING conducted on
18 May 20th, 2021, at 2:00 p.m., taken remotely, before
19 Jill A. Bleskey, Registered Professional Reporter,
20 Certified Shorthand Reporter (IL), and a Certified
21 Court Reporter (MO), in a certain cause now pending
22 before the United States Patent and Trademark Office,
23 Before the Patent Trial and Appeal Board.

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1 A P P E A R A N C E S

2 Patent Trial and Appeal Board:

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4 Honorable Sheila F. McShane

5 Honorable Juliet Mitchell Dirba

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2 (Starting time of the proceeding: 2:00 p.m.)

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4 JUDGE HUDALLA: This is Judge Hudalla. I
5 have on the line with me Judges McShane and Dirba.
6 Who do we have on the line today for Petitioner?

7 MR. SEITZ: Good morning, Judge Hudalla.
8 This is Adam Seitz on behalf of Petitioner Apple.
9 Also with me are my partners, Jennifer Bailey and
10 Robin Snader. And your Honor, I also asked a court
11 reporter to join us on the phone today as well and I
12 can introduce her whenever you're ready.

13 JUDGE HUDALLA: That would be fine.

14 MR. SEITZ: We have Jill Bleskey who's on
15 the phone from the court reporting service.

16 JUDGE HUDALLA: Thank you. And welcome to
17 you all. Obviously Mr. Seitz, when you have your
18 transcript, if you could just file it at the next
19 exhibit number, that would be great.

20 MR. SEITZ: Of course, your Honor.

21 JUDGE HUDALLA: And for Patent Owner, who
22 do we have on the line today?

23 MR. ZAJAC: Good afternoon, your Honor.
24 This is Mitch Zajac from Butzel Long on behalf of
25 Patent Owner. And then also with me is my colleague

1 Shaun Gregory.

2 JUDGE HUDALLA: Okay. Good afternoon to
3 you. And I assume, Mr. Zajac, you don't have a
4 dueling court reporter?

5 MR. ZAJAC: That's correct.

6 JUDGE HUDALLA: Okay. The purpose of
7 today's call is to discuss Patent Owner's indication
8 that they will be filing motions to amend in these
9 cases. And so I guess I'll just start with you, Mr.
10 Zajac. Is it your intention to be filing motions to
11 amend in all five of the cases?

12 MR. ZAJAC: That's correct, your Honor.
13 And I'm actually going to turn it over to my
14 colleague, Mr. Gregory, to provide the details to
15 answer any questions you might have.

16 JUDGE HUDALLA: Okay. Go ahead, Mr.
17 Gregory.

18 MR. GREGORY: Just to confirm, we do
19 intend to file in all five.

20 JUDGE HUDALLA: Okay. So what I would
21 propose to do here is what -- I'll go through just
22 some of the general requirements of motions to amend
23 and then after we get through that then we can start
24 talking about the new motion to amend pilot program.
25 So let's just get through the generalities first and

1 then we'll get into the more specific stuff.

2 I'm basically just going to be following
3 along with the precedential Electrosonic's case. And
4 I would strongly recommend both sides familiarize
5 themselves with that case 'cause it basically sets
6 forth all of the requirements for motion to amend
7 practice. So Mr. Zajac, Mr. Gregory, I'll be
8 speaking to you but Mr. Seitz and your colleagues,
9 you can interrupt at any time if you want to ask
10 questions or ask for some clarification.

11 So generally motions to amend must be
12 responsive to grounds of unpatentability. You may
13 make modifications that address Section 101 and 112
14 issues but in general you should be responding to the
15 grounds of unpatentability for which we've instituted
16 trial.

17 Your amendments should not enlarge the
18 scope of the claims and you should not be introducing
19 any new matter. Patent owners should be proposing a
20 reasonable number of substitute claims. And in
21 general, we look for one to one correspondence. If,
22 for whatever reason, you expect to put in more than
23 one claim, one substitute claim for one of the claims
24 that has been instituted, you need to justify that in
25 your motion. And just to be clear, you'll be --

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