

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

LBT IP I LLC,
Patent Owner.

IPR2020-01190 (Patent 8,542,113 B2)
IPR2020-01193 (Patent 8,421,619 B2)

Record of Oral Hearing
Held Virtually: Friday, January 7, 2022

Before JOHN A. HUDALLA, SHEILAF. McSHANE, and
JULIET MITCHELL DIRBA, *Administrative Patent Judges*.

IPR2020-01190 (Patent 8,542,113 B2)
IPR2020-01193 (Patent 8,421,619 B2)

APPEARANCES:

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The above-entitled matters came on for hearing on Friday, January 7, 2022, commencing at 10:00 a.m. EST, by video/by telephone.

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1 PROCEEDINGS

2 JUDGE HUDALLA: Okay. Thank you.

3 Good morning, everyone.

4 This is the consolidated oral hearing in
5 IPR2020-01190 and 01193. I'm Judge Hudalla. I have
6 with me Judges McShane and Dirba.

7 I'd like to start with appearances first. Who
8 do we have from Petitioner?

9 MS. BAILEY: Jennifer Bailey and Adam Seitz of
10 Erise IP, for Petitioner, Apple Inc.

11 JUDGE HUDALLA: Good morning to you.
12 And from Patent Owner?

13 MR. SEAL: Brian Seal and Shaun Gregory from
14 Taft, Your Honor.

15 JUDGE HUDALLA: Good morning to you.
16 So I believe we're going to try to run this
17 hearing the same way we ran the December hearing. We're
18 going to start with the 90 case first. We'll go through
19 and run through the original amended claims for
20 Petitioner, followed by Patent Owner, and then, do some
21 brief rebuttal and surrebuttal at that time. And then,
22 we'll repeat the process for the 93 case after that.

23 I do expect we'll have a five-minute break,
24 probably between the two sections. And I ask you to be
25 cognizant that you have 90 minutes of total argument

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1 time, so you can break it up as you see fit between the
2 two different cases.

3 We have a public line today, so keep that in
4 mind. This transcript will be part of the public record
5 after this, so to the extent that there's any
6 confidential information, please do not discuss it in
7 this open hearing. Although I don't think there's
8 anything that's been sealed in this case.

9 Just a reminder that we're in the virtual
10 environment here so if you could occasionally give us
11 chances to interject with questions, that would be
12 great. And also for the benefit of the court reporter,
13 if you could mention your name before you start
14 speaking, that would also be helpful.

15 Okay. So with that, I don't think we have
16 anything else, and I don't know if it's going to be you,
17 Ms. Bailey, or Mr. Seitz presenting for Petitioner now
18 for the 90 case?

19 MS. BAILEY: For the 90 case, it'll be me,
20 Jennifer Bailey, and for the 93 case, it'll be Adam
21 Seitz.

22 JUDGE HUDALLA: Okay, Ms. Bailey, I'm going to
23 ask the unusual question again. How much opening and
24 rebuttal time would you like to take today?

25 MS. BAILEY: For the 1190 case, I would like 45
26 minutes opening, 15 minutes rebuttal.

1 JUDGE HUDALLA: Okay. So you're going to use
2 -- just to be clear, you're going to have 30 minutes for
3 the second case then?

4 MS. BAILEY: That's correct, Your Honor.

5 JUDGE HUDALLA: Okay. Ms. Bailey, you may
6 begin. We do have the demonstratives.

7 MS. BAILEY: Thank you, Your Honors. May it
8 please the Board.

9 I want to first discuss the original claims for
10 the '113 Patent, and then, move on to the amended
11 claims. Let's start with Petitioner's demonstratives at
12 DX-7. The pages before that just lay out the grounds
13 and the issues in dispute. I'm happy to do a reminder
14 for the Board if you'd like, but otherwise, let's just
15 jump into the argument.

16 So there is a single issue in dispute with
17 respect to the original claims and it's similar to what
18 we saw for the other patents in this family; the '256,
19 and the '618.

20 And the question on the table is whether
21 Sakamoto teaches the ability to transition from one mode
22 to another based on the detected GPS signal level.

23 It's Petitioner's position that Sakamoto does
24 teach stopping position searching when the GPS signal
25 is poor, and then, reactivating the position searching
26 when the GPS signal is good. LBT's position is that

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