

1 UNITED STATES PATENT AND TRADEMARK OFFICE

2

3 BEFORE THE PATENT TRIAL AND APPEAL BOARD

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6 APPLE, INC.,  
7 Petitioner

8

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v.

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11 LBT IP I, LLC,  
12 Patent Owner

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

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

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

2 Patent Trial and Appeal Board:

3 Honorable John A. Hudalla

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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