

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,  
Petitioner

v.

GUI GLOBAL PRODUCTS, LTD., D/B/A GWEE,  
Patent Owner.

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IPR2021-00470  
Patent 10,259,020 B2

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Record of Oral Hearing  
Held: May 19, 2022

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Before SALLY C. MEDLEY, SHEILA F. McSHANE, and  
MONICA S. ULLAGADDI, *Administrative Patent Judges*.

IPR2021-00470  
Patent 10,259,020 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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The above-entitled matter came on for hearing on May 19, 2022,  
commencing at 1:00 p.m. EDT, via Videoconference.

P-R-O-C-E-E-D-I-N-G-S

1:00 p.m.

JUDGE ULLAGADDI: We are here today for oral arguments in Inter Parties Review matter number 2021-00470, a case in which US Patent Number 10,259,020 is at issue. I am Judge Ullagaddi. Your panel includes myself, Judge Medley and Judge McShane.

I'd like to start by getting appearances of counsel. Who do we have on behalf of the petitioner?

MR. PATRICK: Thank you, Your Honor. I'm Andrew Patrick from Fish & Richardson and I'm joined today by my colleagues Karl Renner and Kim Leung.

JUDGE ULLAGADDI: Thank you. And who do we have on behalf of patent owner?

MR. FAHMI: Your Honor, it's Tarek Fahmi on behalf of the patent owner. With me, is the lead counsel, John Edmonds.

JUDGE ULLAGADDI: Thank you. The judges have the parties' demonstratives. Please remember when referring to the demonstratives to identify what slide number you're on so that we can all follow along and make the record clear. Also, for the record, please identify yourself when speaking. Patent owner will have 60 minutes to argue its case and petitioner you will have a LEAP practitioner presenting will have 75 minutes to argue its case.

Petitioner who bears the burden to show unpatentability of the challenge claims by a preponderance of the evidence will begin by

1 presenting its case-in-chief. Patent owner will then respond to petitioner's  
2 argument. Thereafter, petitioner may use any time at his reserve for rebuttal  
3 to respond to patent owner's arguments. Petitioner's rebuttal may not be  
4 more than half the allotted time and thereafter patent owner may use any  
5 time that it has reserved for its rebuttal to respond to petitioner's rebuttal.

6 Petitioner's counsel, would you like to reserve any time for rebuttal  
7 today?

8 MR. PATRICK: Thank you, Your Honors. We would like to  
9 reserve 35 minutes for rebuttal.

10 JUDGE ULLAGADDI: Okay, that leaves 40 minutes for your main  
11 case and when you are ready, you may begin.

12 MR. PATRICK: Thank you, Your Honors. May it please the court,  
13 my name is Andrew Patrick. I represent the petitioner. I'd like to ask you to  
14 turn to slide two of our demonstratives, which provides an overview of the  
15 presentation. As shown in the table of contents provided on this slide, I plan  
16 to begin our presentation with a review of what we've labeled Issue One, the  
17 ways in which Bohbot's teachings render obvious the claimed switching  
18 device. I'll then turn the podium over to my colleague, Kim Leung, who will  
19 address Issue Two, the obviousness of the claimed recess and  
20 complementary surfaces over the combined teachings of Bohbot and  
21 Gundlach.

22 I'd like to ask Your Honors to turn now to slide four, which begins  
23 our treatment of Issue One. As shown on the slide, the 020 patent's  
24 independent Claim One recites a portable switching device coupled to a

1 portable electronic device. It goes on to state that the portable switching  
2 device is configured to activate, deactivate or send into hibernation the  
3 portable electronic device.

4 At core, the dispute between the parties with respect to the switching  
5 device limitations centers on whether, and as Dr. Cooperstock testified in  
6 both his original and reply declarations, a person of skill would have  
7 understood the claimed switching device to encompass the device that when  
8 in close proximity to a portable electronic device causes that portable  
9 electronic device to switch from one state to another or whether, as Gwee  
10 argued, without articulating its own interpretation of the term, the claimed  
11 switching device would need to do something more than causing the  
12 electronic device to transition or switch from one state to another.

13 As shown on slide five, the petition demonstrated the obviousness of  
14 the switching device features over Bohbot's teachings in three independent  
15 ways, each of which involved an activation of Bohbot's primary module by  
16 Bohbot's headset and each of which were supported by Dr. Cooperstock's  
17 original declaration and corroborating evidence. More specifically, Bohbot's  
18 headset acts as a switching device that activates Bohbot's primary module in  
19 at least three ways when coupled to Bohbot's primary module.

20 First, the headset activates discharging the power from the primary  
21 module's main power storage device to the headset's secondary power  
22 storage device.

23 Second, the headset activates receipt and storage of data at the  
24 primary module's data storage unit.

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