

1 UNITED STATES PATENT AND TRADEMARK OFFICE
2 BEFORE THE PATENT TRIAL AND APPEAL BOARD

3
4 TCT MOBILE (US), INC.; TCT MOBILE (US) HOLDINGS, INC.;
5 HUIZHOU TCL MOBILE COMMUNICATION CO. LTD.; AND TCL
6 COMMUNICATION, INC.,

7 Petitioners,

8 vs.

9 FUNDAMENTAL INNOVATION SYSTEMS INTERNATIONAL LLC,
10 Patent Owner.

11
12 IPR2021-00395 (Patent No. 7,239,111)

13 IPR2021-00410 (Patent No. 6,936,936)

14 IPR2021-00428 (Patent No. 8,624,550)

15 IPR2021-00597 (Patent No. 8,169,187)

16 IPR2021-00598 (Patent No. 8,232,766)

17 IPR2021-00599 (Patent No. 7,834,586)

18
19 TRANSCRIPT OF PROCEEDINGS

20 Thursday, March 25, 2021

21
22 Reported by:

23 DEBBIE RAZAVI, CSR NO. 9989

24 Job No. 4517581

25 PAGES 1 - 12

Page 1

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THURSDAY, MARCH 25, 2021

10:15 A.M.

PROCEEDINGS

THE COURT: Welcome to the Patent Trial and Appeal Board. This is Judge Peslak. On the line with me are Judge Pettigrew, Judge Guest, Judge Kokoski, Judge Tornquist and Judge Brian Moore.

We are on the record in IPR2021-00395, IPR2021-00410, IPR2021-00428, IPR2021-00597, IPR2021-00598 and IPR2021-00599.

Whose on the line for petitioner?

MR. JOHNSON: Hi, Your Honor. This is Jeffrey Johnson. I'm counsel for petitioner. We may have one other person on.

THE COURT: Do you have a court reporter on?

THE REPORTER: Yes, this is Debbie Razavi, the court reporter.

THE COURT: Who is on the line for patent owner?

MS. ZHONG: Your Honor, this is Annita Zhong on behalf of patent owner.

THE COURT: Good afternoon.

And, Mr. Johnson, did you arrange for the

1 court reporter?

2 MR. JOHNSON: I did not, Your Honor.

3 THE COURT: Ms. Zhong, did you arrange for the
4 court reporter?

5 MS. ZHONG: Yes. Patent owner did arrange for
6 the court reporter, and we will file the transcript when
7 we receive it.

8 THE COURT: Okay. Yeah, I just wanted to make
9 sure.

10 The reason we are here today is the Board
11 received an E-mail from Mr. Johnson dated March 23, 2021
12 requesting leave to file a corrected petition in each of
13 the six cases to correct what petitioner deems to be a
14 clerical error.

15 And just to sort of summarize, each of the
16 petitions relied on a Japanese patent application
17 referred to as Morita in the 395 case, Exhibit 1017.
18 Petitioner wants to change two sentences in the petition
19 on Page 28. First change is to specifically the date,
20 publication date, for Morita of June 16, 2000. And then
21 the next sentence currently reads "Morita is prior art
22 under at least Section 102-B," and petitioner wants to
23 change that sentence to say "Morita is prior art under
24 Section 102-A and 102-B."

25 Mr. Johnson, we are a little puzzled why this

1 change is necessary. The publication date is printed on
2 the front of Morita, and it seems like that second
3 sentence you did put patent owner on notice that you may
4 be relying on something other than Section 102-B.

5 So why don't you explain, we want to make sure
6 we are not missing anything here, so why don't you
7 explain why you think this change is necessary.

8 MR. JOHNSON: Well, Your Honor, that's exactly
9 right. We didn't really think it was necessary, but we
10 just didn't want a technical argument that because we
11 didn't affirmatively state the publication date or list
12 out 102-A and B that they would try to just have a
13 technical argument about that it was not prior art or
14 that we didn't prove it was prior art and have our
15 petition thrown out. So we just thought the better
16 course would be to reach out to them and see if they
17 were going to challenge it as prior art, and if they
18 were then we would file to correct.

19 In response to our reaching out last week when
20 we recognized the issue, they didn't respond one way or
21 the other whether or not they were going to challenge it
22 as prior art. They just said that they found it to be
23 substantive and that we needed to re-file, so at that
24 point we were left with no option but to just seek to
25 correct it. We think it's pretty obvious what it is

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