

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TCT MOBILE (US), INC., TCT MOBILE (US) HOLDINGS, INC.,
HUIZHOU TCL MOBILE COMMUNICATION, CO. LTD., and
TCL COMMUNICATION, INC.,
Petitioner,

v.

FUNDAMENTAL INNOVATION SYSTEMS INTERNATIONAL LLC,
Patent Owner.

IPR2021-00599
Patent 7,834,586 B2

Held: June 7, 2022

Before JO-ANNE M. KOKOSKI, JON B. TORNQUIST, and
ARTHUR M. PESLAK, *Administrative Patent Judges*.

IPR2021-00599
Patent 7,834,586 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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ON BEHALF OF THE PATENT OWNER:

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The above-entitled matter came on for hearing on Tuesday, June 7, 2022, commencing at 9:00 a.m., EDT, by video/by telephone.

PROCEEDINGS

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1
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3 JUDGE PESLAK: We're here for IPR 2021-00599. I'm
4 Judge Peslak. With me are Judge Kokoski and Judge Tornquist.
5 Would counsel for Petitioner please state your name and firm
6 affiliation for the record.

7 MR. JOHNSON: Good morning. Jeffrey Johnson from
8 Orrick and with me I have Jason Lang.

9 MR. LANG: Good morning, Your Honors.

10 JUDGE PESLAK: Patent Owner, please state your name
11 and firm affiliation for the record.

12 MS. ZHONG: Good morning, Your Honors. My name is
13 Annita Zhong from Irell & Manella representing Patent Owner.
14 Together with me today is my colleague, Jason Sheasby S-H-E-
15 A-S-B-Y. Also joining is Mr. Paul Riley, the client
16 representative.

17 JUDGE PESLAK: Okay. Good morning, Ms. Zhong. Our
18 primary concern today during the hearing is your right to be
19 heard. If at any time during the proceeding you encounter
20 technical or other difficulties that undermine your ability to
21 adequately present your case, please let us know immediately by
22 contacting the team member who provided you with the
23 connection information today. If one of the judges or court
24 reporter gets disconnected or has other technical difficulties you
25 may have to stop and reset things. When you're not speaking,
26 please mute yourself, also recognize sometimes there's a time

1 delay when people speak so we want to be careful to avoid
2 speaking over each other so the court reporter can make an
3 accurate transcript of today's hearing.

4 Please identify yourself each time you speak. This helps
5 the court reporter prepare an accurate transcript. The transcript
6 constitutes the official record in these proceedings and just as if
7 we are doing this live and in person at the Patent Office, the use
8 of any other recording devices is prohibited. We have the entire
9 record including the parties' demonstrative exhibits. When
10 you're referring to a demonstrative paper or other exhibit, please
11 do so clearly and explicitly by slide or page number. Please also
12 pause a second or two after identifying it to provide us time to
13 find it. Please be aware that members of the public may be
14 listening to this oral hearing. I'll note that neither party
15 contacted us pursuant to the Hearing Order to indicate that any
16 confidential information will be discussed today.

17 I'll be keeping track of the time for the hearing and we'll
18 give each side a warning when you're getting close to the end of
19 your time. Each side will receive 60 minutes of argument time
20 pursuant to the Hearing Order. Counsel for Petitioner, do you
21 wish to reserve any time for rebuttal?

22 MR. JOHNSON: Yes, Your Honor, 20 minutes.

23 JUDGE PESLAK: Okay. So you have 40 minutes. You
24 can begin when ready.

25 MR. LANG: Thank you, Your Honors. Jason Lang for
26 Petitioner. We will jump ahead to slide 3 and I just want to start

1 with providing a summary of the single ground at issue and again
2 the single remaining issue, and turning to slide 4.

3 The petition advanced a single obviousness ground, Morita
4 in the knowledge of a POSITA and, Your Honors, you will hear a
5 lot today that attempts to limit this ground simply to Morita --
6 simply to bodily incorporation of the USB specification. But
7 make no mistake, the petition demonstrated the ground with
8 Morita in view of the knowledge of a POSITA. Patent Owner
9 mounts a single attack against this ground, namely that Morita
10 does not render obvious configured to detect the identification
11 signal.

12 Jumping ahead to slide 6. I just want to start with
13 providing a little bit of context about the '586 patent in
14 representative claim 1. Now the specification describes, you
15 know, just backing up kind of two different aspects. One, there
16 is this adaptor and that sends an identification signal.
17 Separately, there is a mobile device that detects the
18 identification signal and you see here on slide 6 referring to the
19 '586 patent, column 9, it detects that signal, for example by
20 detecting the presence of voltage on various lines. That's the
21 tactic, is there a voltage on the lines and as you'll see the
22 challenged claims is about the mobile device, it's about
23 detecting. What is not claimed is the adaptor, what is not
24 claimed is sending an identification signal.

25 Turning to slide 7. The Board in the Institution decision
26 adopted the parties' District Court construction which is now the

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