

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

APPLE, INC., LG ELECTRONICS, INC.,
LG ELECTRONICS U.S.A., INC., and
GOOGLE, LLC,

Petitioner,
v.

GESTURE TECHNOLOGY PARTNERS, LLC,

Patent Owner.

IPR2021-00920
Patent 7,933,431 B2
IPR2021-00922
Patent 8,553,079 B2

Record of Oral Hearing
Held: September 13, 2022

Before, KEVIN F. TURNER, JONI Y. CHANG, and
BRENT M. DOUGAL, *Administrative Patent Judges*.

IPR 2021-00920 2021-00922
Patent 7,933,431 B2 8,553,079 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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ON BEHALF OF PATENT OWNER:

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The above-entitled matter came on for hearing on Tuesday, September 13, 2022, commencing at 1:00 p.m., EDT, at the U.S. Patent and Trademark Office, by video, before Chris Hofer, Notary Public.

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P R O C E E D I N G S

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2 JUDGE DOUGAL: Thank you, and welcome to this morning or
3 afternoon depending on where you're located, for our hearing today. So this
4 is the oral hearing for IPR 2021-00920 which will be followed directly after
5 by the hearing for IPR 2021-00922 [To clarify the record, Petitioner
6 reversed the order in their argument and we proceeded in that manner. Thus,
7 the first hearing dealt with IPR 2021-00922 and the second hearing dealt
8 with IPR 2021-00920]. Also so the parties are aware to help decrease the
9 need to repeat issues, there are some overlap or at least there are some
10 similarities, we are going to be putting the transcript of both hearings in both
11 case files. So I know you have your slides separately but if there are issues
12 that we can address in essentially one hearing for both cases, the transcript
13 will be available in both cases so that shouldn't be an issue or problem.

14 So, at the outset a few items of business. First of all, I'm Judge
15 Dougal. I have with me Judges Joni Chang and Kevin Turner. We thank
16 you all for being here today. As you know with these virtual hearings our
17 primary goal is your right to be heard so if at any time during the proceeding
18 if you encounter technical or other difficulties that you feel undermines your
19 ability to adequately represent your client please let us know immediately,
20 please reach out to us such as by contacting the team member who provided
21 you with the contact information for today's hearing.

22 Second of all, when you're not speaking please mute yourself. Please
23 identify yourself each time that you speak and this will help the court
24 reporter to accurately prepare a transcript and then fourth, as you know we

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1 have the entire record including your demonstratives. We can refer to them
2 on our own screen or if you would like to share your demonstratives that is
3 also acceptable. When you are referring to a document in the record please
4 identify clearly what that document is, for example, the demonstratives
5 papers or exhibits. Also, it is very helpful if you pause for a moment, let us
6 find your document where you're at and especially if you're going to refer to
7 a paper in the record or exhibit and then we can better follow along with
8 your arguments.

9 Finally, please be aware that there is a public line and there may be
10 members of the public who are listening in to our hearing today. So with
11 that, we will start off with Petitioner. You will let us know how who's on
12 the line, who's on the call today and who will be presenting.

13 MR. HART: Yes. Thank you, Your Honor. My name's Paul Hart. I
14 will be presenting for Petitioner today. Also on the line is Adam Seitz, lead
15 counsel for Petitioner Apple.

16 JUDGE DOUGAL: Great. Thank you. And I believe we have 60
17 minutes of argument time. Would you like to reserve any of that for
18 rebuttal?

19 MR. HART: Yes, Your Honor. I'll reserve 20 minutes for rebuttal.

20 JUDGE DOUGAL: Okay. Thank you. And who do we have
21 presenting today for Patent Owner?

22 MR. LANDIS: Good morning, Your Honor. This is Todd Landis.
23 Along with me is John Wittenzellner on behalf of Patent Owner. I will be
24 doing the presentations today and I'll reserve whatever time I have left after
25 my argument, the initial argument, for rebuttal if I have any left.

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1 JUDGE DOUGAL: Okay. Thank you. Okay. Before we proceed to
2 arguments, are there any questions? Petitioner?

3 MR. HART: No, Your Honor.

4 JUDGE DOUGAL: Patent Owner?

5 MR. LANDIS: No, Your Honor.

6 JUDGE DOUGAL: Actually before we start, Patent Owner, similar
7 to our hearing we had a few weeks ago would you mind giving us an update
8 on anything that is going on with the District Court cases that relate to or I
9 should say the District Court, Eastern District of Virginia in particular
10 dealing with these cases.

11 MR. LANDIS: Yes, Your Honor. So all the briefing is complete. As
12 I updated the panel last time the Court had set a hearing off calendar and
13 notified the parties that the Court would decide the issue on the papers so we
14 are awaiting that ruling which has not occurred yet.

15 JUDGE DOUGAL: Okay. Thank you. All right. With that,
16 Petitioner, Mr. Hart, please proceed.

17 MR. HART: Thanks very much, Your Honor. The '079 patent is
18 generally directed to controlling a computing device using hand gestures.
19 DX-2 in Petitioner's demonstratives provides an overview of those grounds
20 in this proceeding, all of which rely on Numazaki, a reference that provides
21 extensive detail of gesture-based device control that is remarkably similar to
22 the '079 patent. Given these similarities, the remaining disputes do not turn
23 on broad distinctions between the prior art and the challenged claims here
24 but instead involves minor quibbles about specific details in Numazaki's
25 disclosure.

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