

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

NEONODE SMARTPHONE LLC,
Patent Owner.

IPR2021-01041
Patent 8,095,879 B2

Record of Oral Hearing
Held: October 17, 2022

BEFORE: KARA L. SZPONDOWSKI, CHRISTOPHER L. OGDEN, and
SCOTT B. HOWARD, Administrative Patent Judges.

IPR2021-01041
Patent 8,095,879 B2

A P P E A R A N C E S

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 Monday,
October 17, 2022, commencing at 1:02 p.m. EST at the San Jose, California
USPTO Regional Office.

1 (Proceedings begin)

2 JUDGE OGDEN: Welcome, everybody, this morning.

3 This is the oral hearing in IPR2021-01041 between
4 Petitioner Google LLC and Patent Owner Neonode SmartPhone
5 LLC, and the challenged patent is U.S. Patent No. 8,095,879.

6 I'm Judge Ogden, and with me today remotely are
7 Judges Szpondowski and Howard.

8 So let's start with counsel introductions. Who is
9 here for Petitioner today?

10 MR. RODKEY: Good morning, Your Honor.

11 Kevin Rodkey, and for the court reporter that's
12 R-o-d-k-e-y, for Petitioner. With me is Erika Arner, lead
13 counsel for Petitioner, and Yi Yu counsel for Petitioner.
14 We're also joined by Mishima Alam, in-house counsel for
15 Google.

16 JUDGE OGDEN: Thank you, Mr. Rodkey.
17 On behalf of Patent Owner, who do we have appearing?

18 MR. HENDIFAR: Good morning, Your Honor.

19 Padham Hendifar for Patent Owner Neonode, and that's
20 spelled P-a-r-h-a-m, H-e-n-d-i-f-a-r.

21 JUDGE OGDEN: Thank you, Mr. Hendifar.

22 This hearing, as usual, is open to the public, and
23 it's possible that there may be listeners on the public
24 line.

25 However, the parties have indicated that there might

1 potentially be a need to discuss matters that are under seal
2 under the protective order, and we've indicated that if the
3 need arises for either party to discuss information covered
4 by the protective order, the party may raise the issue with
5 the Panel during the hearing and may reserve up to 10
6 minutes of the party's remaining time to be used during a
7 closed portion of the hearing at the end of the hearing that
8 will be open only to people with authorization under the
9 protective order.

10 Let's go off record for a second.

11 (Discussion off the record)

12 JUDGE OGDEN: Since two of the judges are remote,
13 and the court reporter today is also remote, it will be
14 important to speak clearly into the microphone.

15 And there is an ELMO set up here in the hearing room
16 that the parties can use, but keep in mind that Judges
17 Szpondowski and Howard are not able to see what comes up on
18 the screen. So please indicate what slide you're referring
19 to, if you use the ELMO, and when you bring up a new slide,
20 let us know the slide number so that we can all follow along.

21 According to the terms of the oral hearing order,
22 each side has a total of 60 minutes to present their
23 arguments. And Petitioner, having the burden of proof, will
24 go first, followed by Patent Owner, and then if the parties
25 reserve rebuttal time, Petitioner can make rebuttal

1 arguments, and then Patent Owner can make surrebuttal
2 arguments.

3 And I will be keeping track of time on a stopwatch.
4 I'll try to give you a warning when your time draws to a
5 close.

6 So with that in mind, we'll start with Petitioner.

7 Mr. Rodkey, would you like to reserve rebuttal time?

8 MR. RODKEY: 15 minutes of rebuttal, Your Honor.

9 JUDGE OGDEN: Okay. So I will set the watch for 45
10 minutes for your opening time, and if you need additional
11 time, you can still proceed after that.

12 MR. RODKEY: Thank you, Your Honor.

13 JUDGE OGDEN: So you can begin when you're ready,
14 and I'll start the watch when you start.

15 MR. RODKEY: Good morning, Your Honors.

16 Kevin Rodkey for Petitioner Google.

17 This IPR proceeding is about U.S. Patent
18 No. 8,095,879. And the '879 patent is directed to a user
19 interface for a touchscreen device.

20 The element of the patent that is recited in the
21 claims is shown on Slide 2 in the annotated figures at the
22 right. It involves the activation of a function and how to
23 operate a particular feature of a device.

24 The way the patent describes this operation is the
25 user uses their thumb, or a pen, or a stylus, and touches

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