

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.,
Petitioner,

v.

LOGANTREE, LP,
Patent Owner.

IPR2022-00037
IPR2022-00040
Patent 6,059,576

Record of Oral Hearing
Held: June 2, 2023

Before JAMES A. WORTH, PATRICK R. SCANLON, and
MITCHELL G. WEATHERLY, *Administrative Patent Judges*.

IPR 2022-00037
IPR 2022-00040
Patent 6,059,576

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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The above-entitled matter came on for hearing on Friday, June 2, 2023,
commencing at 9:00 a.m., via videoconference.

P R O C E E D I N G S

1 - - - - -

2 MR. SCANLON: Good morning. Welcome to the Patent Trial
3 Appeal Board. We're here today for the consolidated hearing in IPR2022-
4 00037 and 00040 between Petitioner Apple Inc. and Patent Owner Logan
5 Tree LP. Both proceedings involve Patent No. 6,059,576. I'm Judge
6 Scanlon, and joining me today are Judge Weatherly and Judge Worth. Let's
7 start with appearances. Who's here for Petitioner, please?

8 MR. PATRICK: Thank you, Your Honor. I'm Andrew Patrick, I
9 represent Petitioner Apple. I'm joined today by my colleagues Usman Khan,
10 Kim Leung, and Karl Renner. And also joining us is Tanya Mano (phonetic)
11 from Apple.

12 MR. SCANLON: Okay. Thank you. And for Patent Owner, please.

13 MR. WARDEN: For the Patent Owner, I'm David Warden, Your
14 Honor, at the AZA Law Firm in Houston, we represent Logan Tree LP. And
15 with me today is Colin Phillips, who will handle the argument and Ab
16 Henry, and our summer associate, Seth Roy (phonetic) who worked on the
17 matter.

18 MR. SCANLON: All right, very good. Thank you. So I would like
19 to begin with some brief guidelines for this video hearing. If at any time
20 during the hearing you encounter technical or other difficulties, please let us
21 know immediately so we can address the issue. If you get disconnected
22 completely, please contact the hearing staff who provided you with the
23 connection information. Please make every effort, to speak clearly and
24 avoid speaking over others. That will assist our court reporter in making a
25 clear record. Also, please try to mute your line when you're not speaking.

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1 We have the entire record, including the demonstratives in front of us. So
2 when referring to materials is helpful if you provide us with a page number
3 for the slide to improve the clarity of the record. Or if you're citing to other
4 exhibits or papers in the record to provide a page number or page and line
5 number.

6 Please be aware that we have a public access line open for the public
7 to listen in on the hearing. I don't believe there's any confidential
8 information in the record, but if there is something that's confidential that
9 you'd like to discuss, let us know so we can make accommodations. As set
10 forth in the hearing order, each party is permitted 80 minutes to present their
11 arguments. Because it bears the burden of persuasion, Petitioner will go first
12 and may reserve no more than half of its time for a rebuttal. Patent Owner
13 will then have an opportunity to respond and may also reserve time for a
14 surrebuttal.

15 We'll keep the time to the best of our ability. And I'll try to provide
16 updates about the remaining time as the hearing progresses. So with that
17 we'll start with Petitioner. Please let us know how much time, if any, you
18 would like to reserve or rebuttal.

19 MR. PATRICK: Thank you, Your Honors. May I please the Board,
20 my name is Andrew Patrick and I represent Petitioner Apple. As mentioned,
21 I'm joined today by my colleagues Usman Khan, Kim Leung, and Karl
22 Renner, and we plan to divide between us our presentation on the '037 and
23 the '040 IPRs. Also joining us is Tanya Mano of Apple. During our direct
24 Usman will present on the '040 IPR and answer any related questions Your
25 Honors may have. Kim will thereafter present on the '037 IPR and answer
26 questions. We plan to spend approximately 50 minutes on direct and to

1 reserve our remaining time for rebuttal to the extent rebuttal is warranted.

2 I'd like to ask Your Honors to turn to slide 2 of the deck, which
3 provides an overview of issues that Usman will address with respect to the
4 '040 IPR. Notably, although the evidence presented in the '040 and '037
5 IPRs demonstrates the obviousness of the challenge claims twice over
6 different art. The main issues that have emerged through briefing with
7 respect to each IPR are similar. We therefore plan to address today first with
8 respect to the '040 IPR and then with respect to the '037 IPR record evidence
9 demonstrating the motivations that a person of skill would have had to
10 integrate the applied art into the combinations on which the grounds are
11 based before turning to the application of those combinations against
12 independent claim features relating to storing time stamp information
13 reflecting a time at which movement data causing a first user defined event
14 occurred and interpreting movement data based on user defined operational
15 parameters. After responding, Kim will have addressed the record evidence
16 on these points and answered whatever related questions Your Honors may
17 have, I'll return to the podium to address a final issue common to both IPRs.
18 With that, and unless Your Honors presently have questions, I'd like to now
19 turn the podium over to my colleague Usman.

20 MR. KHAN: Thank you.

21 MR. SCANLON: You can proceed when you are ready.

22 MR. KHAN: Thank you, Your Honors, and thank you Andrew for
23 the introduction. Now may I please the Board, as Andrew had indicated, I
24 will be discussing the issues related to the '040 proceedings. If Your Honors
25 could turn to slide 5. The first issue we'll be addressing is the issue of the
26 combination of the Allum, Raymond and Coleman references. If Your

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