

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

BILLJCO LLC,
Patent Owner.

IPR2022-00129 (Patent 8,566,839 B2)
IPR2022-00131 (Patent 8,639,267 B2)

Record of Oral Hearing
Held: February 23, 2023

Before LYNNE H. BROWNE, STACEY G. WHITE, and GARTH D. BAER,
Administrative Patent Judges

IPR2022-00129 (Patent 8,566,839 B2)

IPR2022-00131 (Patent 8,639,267 B2)

APPEARANCES:

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The above entitled matter came on for hearing on Thursday,
February 23, 2023, commencing at 3:30 p.m. at Arizona State University
Sandra Day O'Connor College of Law, Phoenix, Arizona.

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PROCEEDINGS

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JUDGE BAER: Okay. Good afternoon, everybody and we're certainly glad to have you all here. We appreciate our guests being here and counsel as well, so thank you for making the effort to be here.

We have our hearing for two cases today, this is IPR2022-00129 and IPR2022-00131. This is between Petitioner Apple and the Patent Owner Billjco. The patents at issue are, as Avery had said to us, are the '839 patent and the '267 patent. I'm Judge Baer, and joining me also are Judge White and Judge Browne. Let's go ahead and get the parties' appearances, if we could, please. Who do we have for Petitioner Apple?

MS. BIFANO: I'm Larissa Bifano, and this is my colleague Joseph Wolfe from the law firm of DLA Piper for Petitioner Apple.

JUDGE BAER: Thank you, Ms. Bifano. Will you be presenting --

MS. BIFANO: I will present both patents.

JUDGE BAER: Presenting both, thank you. And who do we have for patent owner?

MR. MERRILL: Good afternoon, I'm Courtland Merrill on behalf of the Patent Owner Billjco.

MR. KUO: And I'm Joe Kuo on behalf of Billjco as well.

JUDGE BAER: And will you both be presenting today?

MR. MERRILL: We both will, yes.

JUDGE BAER: Great.

MR. MERRILL: I will present on the '839 and he will present on the '267.

JUDGE BAER: Great. Thank you. All right. Again, We appreciate you making the effort to be here, thank you. We set forth our procedure in our hearing

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1 order, but just a few things to set forth before we get started. As we said, the
2 parties will each have 60 minutes. You can also reserve rebuttal time to present
3 your cases. We do have the full record in front of us. We have your slides in
4 front of us, but when you're referring to slides, if you would tell us what slide
5 number you're on first, that will help us keep the record clear, and also because
6 they're appearing up there, so we don't have to turn around and see what you're
7 referring to up there. But, again, we do have all the information in front of us.
8 With that, we are ready to begin, but we want to make sure you don't have any
9 questions. Does counsel for petitioner have any questions for us before we get
10 going?

11 MS. BIFANO: No, your Honor.

12 JUDGE BAER: And counsel for patent owner?

13 MR. MERRILL: No, we do not.

14 JUDGE BAER: Great. With that, we will get going. Counsel for
15 petitioner, you may begin. First of all, do you want to reserve any rebuttal
16 time?

17 MS. BIFANO: I'd like to reserve 20 minutes, please.

18 JUDGE BAER: Great. And I will try to remind you of your time.

19 MS. BIFANO: Oh, you'll have the time?

20 JUDGE BAER: We'll keep it up here.

21 MS. BIFANO: Oh, great. Perfect.

22 JUDGE BAER: I'll try to remind you when you've got 10 minutes and 5
23 minutes, that kind of thing. We're going to put 20 minutes of rebuttal time on,
24 so we'll give you 40 minutes. And you may begin whenever you're ready.

25 MS. BIFANO: Good afternoon. My name is Larissa Bifano. I'm here
26 representing Apple, Inc., in these two IPR petitions involving the '839 patent and

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1 the '267 patent. So, what are we talking about today? We've heard some different
2 types of technologies and trademarks throughout the course of the day, but now
3 we're in the software realm. So, we're dealing today with two patents that relate
4 to what the patent owner has referred to as a location-based exchange, LBS. So,
5 what is that? This is where you have mobile devices that are proliferating
6 everywhere, you know, everyone has their mobile device, they go everywhere with
7 it. And trying to capitalize on that, you have beacons that are positioned in the
8 environment that are transmitting messages, and the mobile devices receive them.
9 And both of these inventions deal with how the mobile device communicates with
10 those beacons in different flavors.

11 So, the first patent that I'll address today is the '839 patent, so moving to
12 slide 2 -- I have my clicker -- there we go. Great. So slide -- slide 2, so we have
13 the '839 patent, it's titled "System and Method for Automated Content Presentation
14 Objects." So this is a way that you can present information to a user through an
15 object.

16 Now, what's an object? An object is something that has information and
17 instructions on when to present the object. The instructions also include trigger
18 information to tell the device when it should be displaying this object -- the
19 presentation to the user.

20 Moving to slide 3, we'll see the claim, the representative claim that's at issue --
21 whoops -- it's Claim 1 of the '839 patent, and I've highlighted two aspects of Claim
22 1 that are at issue today we're going to talk a lot about. The first is this object,
23 which I've already referenced, and this object containing information and
24 instructions for presenting the information. The second item that we'll talk a lot
25 about is the condition for detecting a particular user action by a user of said
26 proceeding data processing system. And today, while there were several

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