

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner

v.

BILLJCO LLC.,
Patent Owner

IPR2022-00310 (Patent 9,088,868 B2)
IPR2022-00426 (Patent 8,761,804 B2)

Record of Oral Hearing
Held: April 14, 2023

Before THU A. DANG, LYNNE H. BROWNE, and GARTH D. BAER,
Administrative Patent Judges.

IPR2022-00310 (Patent 9,088,868 B2)
IPR2022-00426 (Patent 8,761,804 B2)

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The above-entitled matter came on for hearing on Friday, April 14, 2023, commencing at 10:15 a.m. EDT, by video/by telephone.

1 PROCEEDINGS

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3 JUDGE BAER: Okay. We are back. This is going to be now our
4 second hearing. This will be our hearing for IPR 2022-426 addressing the
5 '804 patent and IPR 2022-310 addressing the '868 patent. This is between
6 Petitioner, Apple, and Patent Owner BILLJCO.

7 Again, just for the record, I'm Judge Baer. Judges Dang and Browne
8 are also here. Just for the record, if we can get the parties appearances
9 again, please, for petitioner?

10 MS. BIFANO: Larissa Bifano, from DLA Piper, on behalf of
11 Petitioner, Apple; and with me is Joseph Wolfe, also from DLA Piper.

12 JUDGE BAER: And you both will be presenting, correct?

13 MS. BIFANO: Yes. So, Mr. Wolfe will be presenting on '868, and
14 I'll present on the '804.

15 JUDGE BAER: Thank you, Ms. Bifano. And for patent owner?

16 MR. KUO: Joe Kuo, on behalf of BILLJCO; with me is Courtland
17 Merrill, who presented today, and Brian Landry.

18 JUDGE BAER: Thank you, Mr. Kuo, and you'll be presenting the
19 entire argument, is that correct?

20 MR. KUO: Correct.

21 JUDGE BAER: Great. The information we said earlier will apply, so
22 you have all of that information referencing slide numbers, as you speak,
23 that sort of thing. With that, we are ready to begin. Ms. Bifano, the parties
24 are going to each have 45 minutes. We're going to add an additional 15
25 minutes because of petitioner's participating in our LEAP program, which
26 we appreciate.

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1 Ms. Bifano, how much time would you like to reserve?

2 MS. BIFANO: We're going to reserve 15 minutes for rebuttal.

3 JUDGE BAER: Great, I will put 45 minutes on the clock. You're
4 welcome to split the time however you like. And Mr. Wolfe, you're
5 welcome to consult with Ms. Bifano at any time, if there is anything you
6 need, please just let us know.

7 So, with that, we'll put 45 minutes on the clock, and you may begin
8 whenever you're ready.

9 MR. WOLFE: Good morning, my name is Joe Wolfe. I'm
10 representing petitioner Apple, and I'm here to talk about the '868 patent,
11 which is the 310 IPR. The '868 patent is titled, "Location-Based Exchange
12 Permissions." It is very similar to the '267 patent that we discussed two
13 months ago.

14 The technology is generally directed to a system and method for
15 providing location-based services to mobile data processing systems. It is
16 very similar to the '367. The difference is that when the transmitters or the
17 sending devices send wireless data records to these mobile devices, the
18 mobile devices are only going to take some action on these wireless data
19 records if the information corresponding to the wireless data records
20 matches two out of three identifiers.

21 JUDGE BAER: And Mr. Wolfe, what slide are you on?

22 MR. WOLFE: Oh, I'm sorry. This is slide 63.

23 JUDGE BAER: Sixty-three?

24 MR. WOLFE: Yes.

25 JUDGE BAER: Thank you.

26 MR. WOLFE: So, going to slide 64. So, this is a very long and

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1 detailed claim, but I try to emphasize portions of the claim that are relevant
2 to today's discussion. So, a user-specified location-based of then
3 configuration, the three identifiers that I mentioned: a first identifier; a
4 second identifier; and a third identifier, and the identifier data of the wireless
5 data record.

6 So, moving onto slide 65, let's start with Ground 2 because that's the
7 simplest ground. So, Ground 2, we are submitting that the claims are
8 obvious over the combination of Haberman and Boger.

9 So, first, let's talk about Haberman. Again, Haberman is the same
10 reference that we relied on for the '267 patent. Haberman is entitled,
11 "Transmitter at Specific Address, Transmitting Address-Specific
12 Informational Content." As you will see in Figure 14, on the right of slide
13 66, you have your mobile device (1402) that can communicate or receive
14 transmissions or broadcasts from these transmitters.

15 The mobile device (1402) has stored on it a preferences profile
16 (1404). The preferences profile includes the users' preferences on the
17 broadcast that the mobile device will present to the user. So, as I am sure
18 you know, in a transmitter of mobile devices environment, transmitters are
19 going to transmit wireless data records.

20 They don't transmit them directly to mobile devices, but they're just
21 broadcasts within the vicinity of a mobile device and whether or not the
22 mobile device will present that information to the user or takes some sort of
23 other action is defined by the preferences profile (1404).

24 Now, it's important to note that the preferences profile (1404) must be
25 followed. So, if I have a preference that says I want to receive information
26 X, the mobile device is going to present me with information X. Similarly,

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