

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

CPC PATENT TECHNOLOGIES PTY, LTD.,
Patent Owner

IPR2022-00601 (Patent 9,269,208 B2)
IPR 2022-00602 (Patent 9,665,705 B2)

Held: June 29, 2023

BEFORE: SCOTT A. DANIELS, BARRY L. GROSSMAN, and
AMBER L. HAGY, Administrative Patent Judges.

IPR2022-00601 (Patent 9,269,208 B2)
IPR 2022-00602 (Patent 9,665,705 B2)

APPEARANCES:

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 June 29, 2023,
commencing at 10:00 a.m., via video teleconference.

P R O C E E D I N G S

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3 JUDGE GROSSMAN: This is Judge Grossman from the Patent
4 Trial and Appeal Board, and with me are Judges Daniels and Hagy. I
5 assume everyone can hear me. If not, try and wave or give me some signal
6 that you can't. This is a hearing for two related cases. It's IPR2022-00601
7 and IPR2022-00602, involving the petitioner, which is Apple, versus the
8 patent owner, CPC Patent Technologies.

9 And before we go over some of the basic administrative matters,
10 what I'd like to do is have counsel for each of the parties formally to make
11 their appearance, and I'll ask Counsel for Petitioner to go first.

12 MS. BAILEY: Thank you, Your Honor. This is Jennifer Bailey.
13 With me is my co-counsel, Adam Seitz. We are from the law firm of Arise
14 IP. I also have with me today in-house counsel from Petitioner, Apple,
15 Garret Sakimae.

16 JUDGE GROSSMAN: Okay. And will you be making the
17 presentation this morning, Ms. Bailey?

18 MS. BAILEY: Yes, Your Honor.

19 JUDGE GROSSMAN: Okay. Thank you. And for Patent
20 Owner? Patent Owner may be muted. At least I'm not hearing the patent
21 owner. And Patent Owner, if you could just formally make your
22 appearance, and state your name and what -- who will be making the
23 presentation this morning?

24 MS. GHAVIMI: Good morning, Your Honor. This is Darlene
25 Ghavimi from K&L Gates, representing the patent owner, Mr. George

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1 Summerfield. You see in the other picture; I believe they're having
2 technical difficulties. With us is Jonah Heemstra, from K&L Gates, and
3 George Summerfield will be presenting today.

4 JUDGE GROSSMAN: Okay.

5 MR. SUMMERFIELD: And Your Honor, just to make sure that
6 the microphone is now working?

7 JUDGE GROSSMAN: If this is Mr. Summerfield, I can hear you,
8 yes.

9 MR. SUMMERFIELD: Thank you, Your Honor. It is.

10 JUDGE GROSSMAN: Okay. And my understanding is you'll be
11 making the presentation on behalf of the patent owner, Mr. Summerfield?

12 MR. SUMMERFIELD: Yes, Your Honor. I will be doing that.

13 JUDGE GROSSMAN: Okay. I just wanted to go over some of
14 the basic ground rules. I'm sure you are both familiar with them. They were
15 set out in our hearing order. Petitioner and Patent Owner each requested 45
16 minutes for the total presentation concerning the two cases, and that's what
17 we've allocated. You can allocate your time as to how you discuss one or
18 the other of the cases, but it'll be 45 minutes to cover both cases, in any way
19 you'd like to organize it or present it.

20 The petitioner has the burden of proof, and Petitioner will go first,
21 and followed by the patent owner. Each party can reserve time for some
22 rebuttal. They can reserve up to half of the allocated time. Also, as I
23 mentioned at the start, we're hearing two cases this morning that are very
24 closely related, and we will assume that the arguments that you make this
25 morning will apply to both cases, unless you specifically tell us otherwise
26 that it is a unique argument that only covers the 601 case or the 602 case.

1 Also, notwithstanding the glitch or two we might have had this
2 morning, our technology team has done a great job over the past several
3 years as we've been doing these video hearings. I don't expect any
4 problems. But if at any time you encounter some technical difficulties, or
5 you feel that there's a problem that's precluding you from adequately
6 representing your client, let us know. Wave your hands, hold up a sign, or
7 do something so we know that you can't hear us, or we'll try and do the
8 same to tell you if we can't hear you.

9 Also, please mute yourself when you're not speaking, so we don't
10 hear any background noise, or we don't hear any whispers into your co-
11 counsel's ear. I also want to make sure that you're aware that this is a public
12 proceeding. We have a public line that's available, and it's my
13 understanding that there are some people who have dialed in on that public
14 line. I don't think there's any confidential information that we're going to
15 be discussing this morning. We don't have a -- there's no protective order
16 that's been entered yet in this case. But just be aware that there is a public
17 line, in case we get to anything that you might consider to be confidential.

18 And finally, one of the things we don't have on our video
19 recordings, which we do have in the courtroom, which is a nice clock that
20 had green, yellow, and red lights on it, so you would know how much time
21 is left of the allocated 45 minutes. Judge Daniels will be -- has graciously
22 agreed to be our timekeeper this morning. He'll make an effort to remind
23 you when you're getting close. But he does the same thing I usually do
24 when I am keeping time, is we're listening to your arguments, we're looking
25 at the documents, and we're not always watching the clock. So you may
26 want to either set your own time, or have a colleague help you to let you

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