

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC., SAMSUNG ELECTRONICS CO., LTD., and SAMSUNG
ELECTRONICS AMERICA, INC.,
Petitioner,

v.

SMART MOBILE TECHNOLOGIES LLC,
Patent Owner

IPR2022-00807
Patent 9,756,168 B1

Record of Oral Hearing
Held: July 27, 2023

Before KEVIN F. TURNER, HYUN J. JUNG, and PAUL J. KORNICZKY,
Administrative Patent Judges.

IPR2022-00807
Patent 9,756,168 B1

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The above-entitled matter came on for hearing on July 27, 2023,
commencing at 3:00 p.m., via video teleconference.

P R O C E E D I N G S

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3 JUDGE JUNG: This is the oral hearing for IPR2022-00807 in this
4 proceeding. Petitioner, Samsung, and Apple challenge certain claims of
5 U.S. Patent Number 9,756,168, or the '168 Patent. And the '168 Patent is
6 owned by Smart Mobile Technologies LLC. Starting with Petitioner's
7 counsel, and followed by Patent Owner's counsel, please state your names
8 for the record.

9 MR. EHMKE: Your Honor, this is Andrew Ehmke on behalf of
10 Petitioner, Apple. I am lead counsel. Joining me today is Adam Fowles,
11 and Mr. Fowles will be presenting on behalf of Petitioner.

12 JUDGE JUNG: Thank you, Mr. Ehmke.

13 MR. LOWENSTEIN: This is Nathan Lowenstein, Your Honor, on
14 behalf of Patent Owner. I'm joined by my colleague, Colette Woo, and lead
15 counsel, Kenneth Weatherwax is also dialed in.

16 JUDGE JUNG: Okay. Thank you, Mr. Lowenstein. All right.
17 Petitioner has 45 minutes of total time to present its argument, and Patent
18 Owner in this proceeding has 60 minutes of total time to present its
19 arguments because Ms. Woo is a LEAP practitioner. Each party may
20 reserve time for rebuttal. I will again track time and interrupt you when you
21 only have a few minutes remaining. And with that said, Mr. Fowles, when
22 you are ready you may proceed. Mr. Fowles, you are muted. You're still
23 muted.

24 MR. EHMKE: Your Honor, this is Andrew Ehmke. We seem to
25 be having technical difficulty.

1 JUDGE JUNG: Okay.

2 MR. EHMKE: Mr. Fowles does not indicate that's he's muted on
3 his end, so we'll try to endeavor to fix this. Your Honor, what I think we
4 will do is since my system is working, Mr. Fowles will come to my office,
5 and he'll be able to present from here. So if we could have one minute for
6 him to come to my office, we'll do that switch.

7 JUDGE JUNG: Okay. Looks like we lost Mr. Ehmke, or no I
8 see -- you were frozen for a moment.

9 MR. EHMKE: So I have -- I'm -- since Mr. Fowles will be
10 working from my computer, I'm trying to get it all configured for him to
11 use --

12 JUDGE JUNG: Oh, I see.

13 MR. EHMKE: -- as seamlessly as possible. So I apologize for my
14 silence. And his office is located on the exact opposite end of the building
15 from me. Here he is.

16 MR. FOWLES: Okay. I believe you can all hear me now.

17 JUDGE JUNG: Yes, I can hear you. Thank you.

18 MR. FOWLES: Thank you. So I'd like to reserve 10 minutes for
19 rebuttal, if I can.

20 JUDGE JUNG: Okay.

21 MR. FOWLES: And with that, if we could move to slide 2. The
22 parts of the '168 Patent relevant to this proceeding involve a system that
23 includes a wireless device, a wireless carrier, and a server described
24 throughout the '168 Patent as Server C. Now the Server C stores software
25 from multiple wireless devices and provides that software to the wireless

1 devices. Well Server C also stores wireless profiles. These concepts were
2 already known, however, as demonstrated by the teachings of Sainton and
3 Baker. So moving to slide 3, I'll first address why a person of ordinary skill
4 in the art would have been motivated to combine Sainton and Baker.
5 Sainton teaches a wireless device that is in communication over the air with
6 a carrier. The wireless device includes a library expandable to include third
7 party application programs. Baker in turn provides details about a server
8 that stores applications and provides them to requesting devices.

9 Now, the issue raised by Patent Owner is whether Sainton and
10 Baker are properly combinable, and this leads us to slide 4. Looking first at
11 what Sainton brings to the table, Sainton teaches that it was desirable for that
12 library at the wireless to be updated from the carrier. Sainton further teaches
13 that the library can be expanded to include third party application programs
14 with hardware powerful enough to support it. So we see that Sainton
15 envisioned wireless devices capable of running third party application
16 programs as part of their libraries.

17 But Sainton left the implementation details about the third-party
18 application programs up to a person of ordinary skill in the art, which would
19 motivate that person of ordinary skill in the art to turn to another reference
20 for details about adding third party application programs to wireless devices.
21 Baker provides just such details. And moving now to slide 5. Baker
22 describes an approach for third party application programs that includes how
23 to store them, how to provide them to requesting wireless devices, and how
24 to track them.

25 Baker refers to these programs that it stores and sends as soft --

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