

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ERICSSON INC. and TELEFONAKTIEBOLAGET LM
ERICSSON,
Petitioners,

v.

INTELLECTUAL VENTURES II LLC,
Patent Owner.

Case IPR2014-00915
Patent 8,396,079 B2

Case IPR2014-00919
Patent 7,848,353 B2

Held: August 25, 2015

BEFORE: JOSIAH C. COCKS, WILLIAM A. CAPP, and
DAVID C. McKONE, Administrative Patent Judges.

The above-entitled matter came on for hearing on Tuesday,
August 25, 2015, commencing at 10:00 a.m., at the U.S. Patent
and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

APPEARANCES:

ON BEHALF OF THE PETITIONER:

J. ANDREW LOWES, ESQ.
CLINT WILKINS, ESQ.
Haynes and Boone, LLP
2505 North Plano Road, Suite 4000
Richardson, Texas 75082-4101

and

JENNIFER B. WELLS, ESQ.
Ericsson
6300 Legacy Drive
Plano, Texas 75024

ON BEHALF OF PATENT OWNER:

HERBERT D. HART, III, ESQ.
STEVEN J. HAMPTON, Ph.D., ESQ.
McAndrews Held & Malloy LTD
500 West Madison Street, 34th Floor
Chicago, Illinois 60661

and

JAMES R. HIETALA, ESQ.
Intellectual Ventures
3150 139th Avenue, S.E.
Bellevue, Washington 98005

1 and then we will conclude with Petitioner reserving any time for
2 rebuttal.

3 So, with that said, Mr. Lowes, you may approach
4 whenever you are ready to begin.

5 Let me make one point, we are joined by Judge
6 McKone remotely from Detroit, he cannot see what you have put
7 up on the screen, so if you can just refer to the slide number when
8 you refer to it.

9 MR. LOWES: Yes, I am aware.

10 JUDGE McKONE: And also, I can't hear what you say
11 unless you speak into the microphone at the podium. Thank you.

12 MR. LOWES: Judge McKone, can you hear me now?

13 JUDGE McKONE: Yes.

14 MR. LOWES: Very good.

15 Well, I will go ahead and begin the presentation. As I
16 said, my name is Andrew Lowes, lead counsel for Petitioner,
17 Ericsson. Of the 60 minutes allotted for today's presentation, I
18 would like to reserve 20 minutes for rebuttal after the Patent
19 Owner's presentation.

20 JUDGE COCKS: Thank you.

21 MR. LOWES: Additionally, to make the transcript
22 clear, since we have two IPR proceedings, when I refer to
23 exhibits, I'll refer to the exhibit numbers of IPR2014-00915. For
24 my argument today, first, I will have a brief overview of the
25 challenges, an overview of the patents with respect to

1 representative claim, along with an overview of the two primary
2 references. Then I'll provide additional evidence and arguments
3 from the record, some of which has occurred after the institution
4 decision. This evidence will further support and confirm the
5 Board's initial conclusion that the claims are unpatentable as set
6 forth in the institution decision.

7 Slide 2, please, of Exhibit 1034. Here is an overview of
8 the challenges that are present in both IPR proceedings. The first
9 four challenges are based on the primary reference McFarland.
10 These cover all the claims in both proceedings, based on
11 McFarland, based on various combinations with van Nee, Shahar,
12 Richardson, and the McFarland reference is Exhibit 1002.

13 The second set of challenges is based on the
14 Trompower reference. Trompower, likewise, covers the same set
15 of claims as McFarland, and is combined with different sets of
16 references for most of the challenges. So, we have two sets of
17 challenges that are parallel, so each claim has two bases for
18 unpatentability.

19 Next slide, please, slide 3 of Exhibit 1034. This is
20 claim 6 of the '079 patent. Just in simple terms, the '079 patent
21 and '353, one is a continuation of the other, so they both have a
22 similar specification, but both patents relate to communication
23 systems which offer dynamic change of transmission bandwidths.
24 So, depending on the conditions, the transmitter can decide to
25 change the bandwidth of transmission. When the transmitter

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