

RECORD OF ORAL HEARING
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ERICSSON INC. and
TELEFONAKTIEBOLAGET LM ERICSSON,
Petitioner,
v.
INTELLECTUAL VENTURES I LLC,
Patent Owner.

Cases IPR2014-00921 and IPR2014-01149
Patent 6,023,783

Oral Hearing Held on Wednesday, August 26, 2015

Before: JOSIAH C. COCKS; WILLIAM A. CAPP; and DAVID C.
McKONE (via video link), *Administrative Patent Judges*.

The above-entitled matter came on for hearing on Wednesday, August 26, 2015, at 10:00 a.m., in Hearing Room A, taken at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

Cases IPR2014-00921 and IPR2014-01149
Patent 6,023,783

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P R O C E E D I N G S

(10:00 a.m.)

JUDGE COCKS: Good morning. This is a consolidated oral argument for two proceedings, IPR2014-00921 and 01149, both involving Patent 6,023,783.

Let's begin with having Petitioner's counsel introduce themselves for the record.

MR. ROGERS: Good morning. Charles Rogers, back up counsel, and lead counsel, Robert Brown.

JUDGE COCKS: Thank you, Mr. Rogers.

JUDGE McKONE: I'm sorry. Could you speak into the microphone at the podium? I cannot hear you if you don't. Thank you.

MR. ROGERS: Yes. Charles Rogers, back up counsel for the Petitioners, and I have with me here today Mr. Robert Brown, lead counsel.

JUDGE COCKS: Thank you, Mr. Rogers. And for Patent Owner?

MS. GORDON: Your Honor, Lori Gordon from the law firm of Sterne Kessler Goldstein & Fox. I'm lead counsel for Patent Owner. And I'm here today with Steve Peters, also from Sterne Kessler.

JUDGE COCKS: All right. Thank you, Ms. Gordon. As we set forth in the trial hearing order, each side has 60 minutes of argument time. Petitioner will go first and

1 argue their case and may reserve rebuttal time. Patent Owner
2 will then argue their opposition. And we will conclude with
3 Petitioner using any rebuttal time.

4 So, Mr. Rogers, whenever you are ready, or
5 whoever is presenting may begin. And, as Judge McKone
6 mentioned, he is joining us, I believe, from Detroit, please
7 speak into the microphone and when you are referring to the
8 slide deck please identify the slide numbers.

9 MR. ROGERS: Good morning. For the 60 minutes
10 of allotted time I would like to reserve 20 minutes for
11 rebuttal.

12 JUDGE COCKS: Thank you.

13 MR. ROGERS: The '783 patent at issue in this
14 case relates to error correction coding. More particularly
15 turbo codes. And the '783 patent summary of the invention
16 says that -- it is in the Summary of Invention section -- and it
17 says that the invention encompasses several improved
18 apparatuses and methods for turbo codes.

19 More particularly, the claims recite various
20 implementations of turbo coding, including multilevel
21 modulation, trellis-coded modulation, using multiple data
22 sources, turbo coding a second data line, serial rather than
23 parallel configurations, and associated decoding and
24 demodulation.

1 The '783 patent describes turbo codes as, I will
2 read from it, it says: Built from the parallel concatenation of
3 two recursive systematic convolutional codes and using a
4 feedback decoder. Now, to a layman all of these fancy words
5 may seem so complicated that any implementation looks like
6 an invention.

7 But from the proper perspective, from the
8 perspective -- viewing the '783 patent claims at issue from the
9 view of one of ordinary skill in the art at the time of the filing
10 of the patent application -- and we are talking about May 15th
11 of 1996, that's the provisional filing date -- looking from that
12 proper perspective, the claims recite nothing more than
13 obvious implementations of turbo codes. Obvious
14 implementations. Obvious in view of the prior art from May
15 of 1996.

16 So let's talk a little bit about the state of the art
17 and the knowledge of the person of ordinary skill in the art at
18 that time. So we are talking about May 15th of 1996. Three
19 years prior to that turbo codes were introduced by Claude
20 Berrou, May of 1993, and he presented turbo codes to the
21 world in a conference in Geneva, and the paper that he was
22 presenting, the publication was titled "Near Shannon Limit
23 Error Correcting Coding and Decoding: Turbo Codes."

24 Now, the near Shannon limit reference in this
25 publication goes all of the way back to 1948, Claude Shannon,

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