

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE INC.,
Petitioner,

v.

INTELLECTUAL VENTURES II LLC,
Patent Owner.

Case IPR2014-01031
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 2:00 p.m., at the U.S. Patent
and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

Case IPR2014-01031
Patent 7,848,353 B2

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1 P R O C E E D I N G S

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3 JUDGE COCKS: Good afternoon, this is oral argument
4 for IPR2014-01031, involving patent 7,848,353. If counsel for
5 Petitioner would introduce themselves for the record.

6 MR. ALEMANNI: Thank you, Your Honor, my name
7 is John Alemanni for Fitzpatrick Townsend on behalf of
8 Petitioner Google. With me at the table is Ted Brown, also for
9 Petitioner Google. We also have in attendance with us Mr. Gary
10 Butter and Mr. Joseph Shear of Google and helping us on the
11 demonstratives of is Mr. Harvin, Steve Harvin.

12 JUDGE COCKS: Thank you, Mr. Alemanni, would
13 counsel for Patent Owner please introduce themselves.

14 MR. HART: Good afternoon, Your Honor, I'm Herb
15 Hart, lead counsel for Patent Owner, and with me at counsel table
16 is Steve Hampton, backup counsel who will be presenting our
17 argument today.

18 JUDGE COCKS: All right, thank you, Mr. Hart. Now,
19 as we set forth in the trial hearing order, each side has up to 60
20 minutes of argument time. Petitioner will go first and may save
21 rebuttal time. Patent Owner will then present and argue in
22 opposition to the Petitioner's case, and the Petitioner may reserve
23 rebuttal time.

24 Mr. Alemanni, you may begin whenever you're ready.

1 MR. ALEMANNI: Thank you, Your Honor. I expect
2 to take on the order of 35 to 40 minutes, I would like to reserve
3 the remaining approximately 20 minutes for rebuttal.

4 JUDGE COCKS: All right, thank you.

5 MR. ALEMANNI: Good morning, again my name is
6 John Alemanni, I am here on behalf of Petitioner Google. We are
7 here on IPR2014-01031. Our petition and reply have
8 demonstrated that the '353 patent is unpatentable and I will
9 explain some of the details of that today. Let's go to slide 3,
10 please.

11 JUDGE COCKS: Also, if I could briefly interrupt, we
12 are joined remotely by Judge McKone from Detroit, if you could
13 please speak into the microphone and identify any slide in the
14 slide deck by numbers.

15 MR. ALEMANNI: And Judge McKone, are you able
16 to look at the exhibits as well if I ask Mr. Harvin to bring one up?

17 JUDGE McKONE: Yes, I can, thank you.

18 MR. ALEMANNI: Okay, great, thank you.

19 So, quickly, slide 3 sets out the claims that are at issue
20 here along with the prior art references in combination with each
21 other and each of the claims. I won't go into detail at this point.

22 I will mention that there was a proceeding this morning,
23 the Ericsson versus IV. One of the patents at issue in that case
24 was the '353 patent that's at issue today. One difference between
25 those two proceedings is that we're dealing -- well, first that we're

1 dealing with only the '353. Secondly, that our claims are directed
2 to the transmitter, they're not directed to the -- I'm sorry, to the
3 receiver, they do not include the transmitter.

4 And then, finally, one of our primary prior art
5 references is Pierzga, the Pierzga patent application, which was
6 not referenced in that case.

7 Let me go forward to slide 5. Briefly, just a brief
8 overview of the '353 patent. It describes methods and systems for
9 determining an operating bandwidth. So, methods and systems
10 for determining an operating bandwidth in a multi-bandwidth
11 system.

12 Slide 6. And briefly, there are two independent claims
13 at issue in this case, claim 1 is illustrative, it's a method. It's a
14 method for operating bandwidth determination for determining
15 the operating bandwidth in a multi-bandwidth communication
16 system that comprises, in a remote unit, in a receiver, receiving a
17 signal that has a first portion and that has a further signal portion.
18 That first signal portion at a first predetermined bandwidth
19 contains an indication of an operating bandwidth selected from a
20 plurality of bandwidths, used for a further signal portion, and then
21 the second step is recovering the indication from the first signal
22 portion, second step is recovering the information in the second
23 signal portion, based on the indication.

24 Let me move forward to slide 7. I'll end my overview
25 there and talk about claim construction, I think it makes more

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