RECORD OF ORAL HEARING

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ERICSSON INC. and

TELEFONAKTIEBOLAGET LM ERICSSON,

Petitioner,

v.

INTELLECTUAL VENTURES I LLC,

Patent Owner.

- - - - - - -

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

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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.

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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ON BEHALF OF THE PATENT OWNER:

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

2   (10:00 a.m.)

3   JUDGE COCKS: Good morning. This is a

4   consolidated oral argument for two proceedings,

5   IPR2014-00921 and 01149, both involving Patent 6,023,783.

6   Let's begin with having Petitioner's counsel

7   introduce themselves for the record.

8   MR. ROGERS: Good morning. Charles Rogers,

9   back up counsel, and lead counsel, Robert Brown.

10   JUDGE COCKS: Thank you, Mr. Rogers.

11   JUDGE McKONE: I'm sorry. Could you speak

12   into the microphone at the podium? I cannot hear you if you

13   don't. Thank you.

14   MR. ROGERS: Yes. Charles Rogers, back up

15   counsel for the Petitioners, and I have with me here today

16   Mr. Robert Brown, lead counsel.

17   JUDGE COCKS: Thank you, Mr. Rogers. And for

18   Patent Owner?

19   MS. GORDON: Your Honor, Lori Gordon from

20   the law firm of Sterne Kessler Goldstein & Fox. I'm lead

21   counsel for Patent Owner. And I'm here today with Steve

22   Peters, also from Sterne Kessler.

23   JUDGE COCKS: All right. Thank you, Ms.

24   Gordon. As we set forth in the trial hearing order, each side

25   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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