

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ERICSSON INC. and
TELEFONAKTIEBOLAGET LM ERICSSON,
Petitioner,

v.

INTELLECTUAL VENTURES II LLC,
Patent Owner.

Case IPR2014-01185
Patent 7,269,127 B2

Held: October 21, 2015

BEFORE: JUSTIN BUSCH, PETER P. CHEN, and J. JOHN
LEE, Administrative Patent Judges.

The above-entitled matter came on for hearing on Wednesday,
October 21, 2015, commencing at 2:00 p.m., at the U.S. Patent
and Trademark Office, 600 Dulany Street, 9th Floor, Hearing
Room D, Alexandria, Virginia.

Case IPR2014-01185
Patent 7,269,127 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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and

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ON BEHALF OF THE PATENT OWNER:

LORI A. GORDON, ESQ.
STEVEN W. PETER, Ph.D., ESQ.
Sterne Kessler Goldstein Fox
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2 JUDGE LEE: Good afternoon. This is the oral hearing
3 in case IPR2014-01185, concerning U.S. Patent Number
4 7,269,127. In a moment, I will ask the parties to identify
5 themselves for the record, but first, I am Judge John Lee, we have
6 Judges Chen and Busch attending from the Silicon Valley and
7 Detroit offices, respectively. Because of that, I would just like to
8 remind the parties, please speak into the microphone at all times
9 so that Judges Chen and Busch can hear what you are saying, and
10 when you are referring to documents, be they papers or exhibits
11 or demonstratives, please refer to things by number, paper
12 number, slide number, et cetera, so that they can follow along.

13 So, let's start with counsel for Petitioner, please identify
14 yourselves for the record.

15 MR. LOWES: Yes, Your Honor, I'm Andrew Lowes,
16 lead counsel for Petitioner.

17 JUDGE LEE: Could you just speak into the
18 microphone, please.

19 MR. LOWES: I'm sorry, Your Honor, I'm Andrew
20 Lowes, lead counsel for Petitioner, Ericsson. With me at counsel
21 table is Clint Wilkins, backup counsel. Also in attendance today
22 is Jennifer Wells, who is in-house counsel for Ericsson.

23 JUDGE LEE: Thank you, Mr. Lowes.

24 For Patent Owner?

1 MS. GORDON: Yes, Your Honor, I'm Lori Gordon,
2 from the law firm of Sterne Kessler Goldstein Fox and I'm going
3 to be arguing today on behalf of the Patent Owner, Intellectual
4 Ventures, and with me at counsel table is Steve Peters, also from
5 Sterne Kessler.

6 JUDGE LEE: Thank you. Before we begin arguments,
7 does either party have any preliminary matters they wish to raise?
8 Mr. Lowes?

9 MR. LOWES: No, Your Honor, other than the
10 projector currently is not working, if we could have a moment to
11 try to make that connection.

12 JUDGE LEE: I'll give you that before we begin.
13 Anything from Patent Owner?

14 MS. GORDON: No, Your Honor. Thank you.

15 JUDGE LEE: Thank you. All right, Mr. Lowes, both
16 parties have 45 minutes for their arguments. Petitioner, you may
17 reserve some time for rebuttal, if you'd like; are you going to
18 reserve some time?

19 MR. LOWES: Yes, Your Honor, I would like to use 35
20 minutes for my primary presentation, reserve 10 minutes for
21 rebuttal.

22 JUDGE LEE: That would be fine. And take whatever
23 time you need to get your equipment hooked up.

24 MR. LOWES: Thank you. Okay, I believe we're ready
25 to go with the AV equipment.

1 JUDGE LEE: All right, Mr. Lowes, you may begin
2 when you're ready.

3 MR. LOWES: Thank you, Your Honor. As I indicated,
4 I am lead counsel for Petitioner, Ericsson, and this is, for the
5 record, IPR2014-01185, and today I'll be referring to
6 demonstrative exhibits marked as Ericsson or ERIC 1037.

7 So, in terms of my presentation today, I first want to
8 give a little background about the '127 patent, which is the patent
9 involved in the IPR, as well as then moving to the claim itself,
10 and going through the claim, and some claim construction issues,
11 followed by an application of the prior art to the claim.

12 Turning now to slide 2 of Exhibit 1037, these are the
13 claims that are involved in the IPR, for which trial is instituted.
14 Claims 1 through 3 and 5, trial was instituted on a combination of
15 Schmidl and Arslan, as demonstrating that the claims were
16 unpatentable. For claims 4 and 6 through 10, it's the combination
17 of Schmidl, Arslan and Kim that demonstrate that the claims are
18 unpatentable. And for claim 17, it's Schmidl, Arslan, Kim and
19 Heiskala. Of the claims in the trial, only claim 1 is in
20 independent form.

21 Slide 3, please. The '127 patent, which is Exhibit 101 in
22 our exhibits, is directed to synchronization of a data frame
23 between a transmitter and a receiver, as set forth in the
24 background of that patent, it was known to use training symbols
25 in the data frame for synchronization, and also to use pilot

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