

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

DSS TECHNOLOGY MANAGEMENT, INC.,
Patent Owner.

Cases IPR2015-00369 and IPR2015-00373
Patent 6,128,290

Held: March 15, 2016

BEFORE: JAMESON LEE, MATTHEW R. CLEMENTS, and
CHARLES J. BOUDREAU, Administrative Patent Judges.

The above-entitled matter came on for hearing on Tuesday,
March 15, 2016, commencing at 1:02 p.m., at the U.S. Patent and
Trademark Office, 600 Dulany Street, Alexandria, Virginia.

Cases IPR2015-00369 and IPR2015-00373
Patent 6,128,290

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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

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3 JUDGE LEE: Good afternoon. Please be seated.

4 Judge Boudreau will be conducting today's session and
5 he and Judge Clements will appear on the screen from San Jose,
6 California. So if we could all wait a few minutes, I would
7 appreciate that. Thank you.

8 JUDGE BOUDREAU: Good afternoon. This is the
9 oral hearing in Cases IPR2015-00369 and IPR2015-00373
10 involving U.S. Patent Number 6,128,290.

11 Can counsel please state your names for the record?

12 MR. STERNE: Good afternoon, Your Honor. Robert
13 Sterne for Petitioner Apple Inc.

14 JUDGE BOUDREAU: Thank you, Mr. Sterne.

15 MR. HOPEN: Good afternoon, Your Honor. My name
16 is Anton Hopen. I am counsel for the Patent Owner. With me
17 here is my colleague, Andriy Lytvyn, as well.

18 JUDGE BOUDREAU: Thank you, Mr. Hopen.

19 Per the trial hearing order in this case, each party will
20 have 60 minutes of total time to present arguments. The order of
21 presentation will be that the Petitioner will go first and present its
22 case regarding the challenged claims. You may reserve time for
23 rebuttal. Patent Owner will then respond to Petitioner's
24 presentation and, finally, Petitioner may use any remaining time
25 to respond to Patent Owner's presentation.

1 Just a few reminders, before you begin, one is to ensure
2 that the transcript is clear and because we have two judges here in
3 a different office, please try to refer to your demonstratives by
4 slide number.

5 Also, if either party believes that something the other
6 party is arguing is a new argument in substance that was not
7 made in the party's briefs, I would ask you to please raise that
8 during your presentation rather than interrupting the other side.

9 Any questions from either party before we begin?

10 MR. HOPEN: No, sir.

11 JUDGE BOUDREAU: All right. Thank you.

12 Counsel for the Petitioner, you may begin. And do you
13 plan to reserve time for rebuttal?

14 MR. STERNE: Yes, Your Honor. I'd like to reserve 15
15 minutes, if I may.

16 JUDGE BOUDREAU: Okay. Thank you.

17 MR. STERNE: Before I begin, I would like to
18 approach Judge Lee and give him a hard copy of the slides.

19 JUDGE LEE: I would like that very much. Thank you.

20 MR. STERNE: And for our judges in San Jose, I've got
21 hard copies for you that you can either get through Judge Lee or
22 use the electronic versions.

23 JUDGE BOUDREAU: Thank you. And just to be
24 clear, the electronic versions that you filed two days ago are the
25 same as what you just provided Judge Lee?

1 MR. STERNE: That's correct.

2 JUDGE BOUDREAU: Okay. Thank you.

3 MR. STERNE: So, Your Honor, it's my understanding
4 that if I am looking at the camera above Judge Lee's head that I
5 will be look directly at you; is that correct?

6 JUDGE BOUDREAU: That is correct, yes. Thank
7 you.

8 MR. STERNE: Thank you.

9 So good afternoon, Your Honors, and may it please the
10 Board, Robert Sterne for Petitioner Apple Inc. With me at
11 counsel table is my colleague, Jason Fitzsimmons, who's on my
12 right. Also from my firm present are David Cornwell and Mark
13 Rygiel and also joining us from California is trial counsel, David
14 Alberti, and they are in the back of the room.

15 Let me begin. Six challenged claims remain at issue.
16 This Board properly instituted trial based on the combination of
17 Natarajan and Neve patents. As we will discuss today, these
18 claims are unpatentable on this ground. So let me summarize, if I
19 can begin with, five key points that I will be addressing more
20 today.

21 First, Patent Owner has not disputed that a vast majority
22 of the claim limitations are disclosed in the combination of
23 Natarajan and Neve under any reasonable claim construction.

24 Number two, Patent Owner disputes only a single
25 limitation of the claims related to the term low duty cycle. Your

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