

RECORD OF ORAL HEARING
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMERICAN MEGATRENDS, INC., MICRO-STAR
INTERNATIONAL, CO., LTD., MSI COMPUTER CORP.,
GIGA-BYTE TECHNOLOGY CO., LTD., and G.B.T., INC.

Petitioners

vs.

KINGLITE HOLDINGS INC.

Patent Owner

Case IPR2015-01094

Patent 6,401,202

Technology Center 2100

Oral Hearing Held: August 1, 2016

Before: TREVOR M. JEFFERSON, BRIAN J.
McNAMARA, and JOHN LEE, Administrative Patent Judges

The above-entitled matter came on for hearing on Monday,
August 1, 2016 at the U.S. Patent and Trademark Office, 600 Dulany Street,
Alexandria, Virginia in Courtroom A, at 1:00 p.m.

REPORTED BY: KAREN BRYNTESON, RMR, CRR,

FAPR

APPEARANCES:

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P R O C E E D I N G S

(1:00 p.m.)

JUDGE JEFFERSON: Please be seated.

We're on the record. Good afternoon, judge Jefferson, McNamara, and Lee presiding. May I get appearances from counsel for Petitioner?

MR. HILL: Yes, Steve Hill.

MR. GANTI: Vivek Ganti.

JUDGE JEFFERSON: And for Patent Owner?

MR. SUMMERFIELD: George Summerfield, backup counsel.

MR. FRERKING: Chris Frerking.

JUDGE JEFFERSON: Thank you.

We are here for IPR2015-01094 for U.S. Patent 6,401,202. We have given 45 minutes per side for the party -- each party. Petitioner, bearing the burden, will go first, on the grounds of Institution and any motion to exclude that you want to discuss. You may reserve time for rebuttal.

The Patent Owner will follow with response to the challenges, substantive challenges, motion to exclude and motion to amend. You also may reserve time for rebuttal, only as to those issues in which you have grounds for movement. Petitioner will follow with any reply -- I'm sorry -- rebuttal on the grounds and response to the motion to amend and the response to any of the responses to your motion to exclude,

1 should you choose to make them. And, likewise, Patent Owner
2 then has rebuttal time only as to motions to the motion to
3 exclude.

4 We're going to go ahead and get started on the
5 record and Petitioner, you are up first. Would you like to
6 reserve some time for rebuttal?

7 MR. HILL: Yes, I will reserve 20 minutes for
8 rebuttal.

9 JUDGE JEFFERSON: With your indulgence, give
10 me time to work the magic. We try to keep track both ways.
11 But obviously the lights give you a warning down to red. With
12 that, we will go on the record and get started.

13 MR. HILL: Thank you. Does everyone have the
14 Petitioner's demonstrative exhibit? I will refer to the slides of
15 that exhibit by the PDF page number on the file.

16 The '202 patent in broad terms seeks a monopoly
17 on the use of a timer-based task that is capable of interrupting
18 a preexisting operation of a computer.

19 And for the reasons set forth in the petition and in
20 the Board's Institution decision, the broadest claims of the
21 '202 patent are subject to cancellation.

22 We presented multiple grounds for this. I am
23 going to begin by looking first at the independent claims of
24 the '202 patent itself. Then I'm going to talk about ground 1,
25 which relates to the AMIBIOS reference and how it anticipates

1 these claims. And, finally, time permitting, I will briefly talk
2 about the Pearce reference and the one issue that remains
3 relating to the Pearce reference in ground 2.

4 First, if you would look at slide 2 of our
5 demonstrative exhibits, it shows a side-by-side depiction of
6 the four independent claims of the '202 patent. Now, right off
7 the bat, I want to address the argument in the Patent Owner's
8 response about the fact that the multi-tasking of these claims
9 needs to be performed by a processor.

10 That limitation is met by both AMIBIOS and
11 Pearce. However, it is important to note that the limitation by
12 a processor in relation to multi-tasking really only has
13 patentable weight in claims 11 and 21. In claims 1 and 31, it
14 is either in the preamble of the claim or it is not in the claim
15 at all, as in the case of claim 31.

16 But let's not have any misunderstanding about what
17 BIOS does as it relates to both the prior art references that we
18 claim are anticipatory. BIOS code includes code which is
19 executed by the processor for initializing hardware, including
20 the initialization of the programmable interval timer. It
21 includes code for setting up the vector table that consists of
22 the interrupt service routines that are run during the BIOS.
23 And those routines are essentially software, so they too are
24 executed by the processor when an interrupt calls them.

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