

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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TCT MOBILE, INC. AND TCT MOBILE (US) INC.,  
Petitioner,

v.

WIRELESS PROTOCOL INNOVATIONS, INC.,  
Patent Owner.

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Cases IPR2016-01494, 01704, 01861 and 01865  
Patents 8,274,991 B2; 8,565,256 B2; and 9,125,051 B2

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Held: December 7, 2017

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BEFORE: KEVIN T. TURNER, MITCHELL G. WEATHERLY,  
and KAMRAN JIVANI, Administrative Patent Judges.

APPEARANCES:

ON BEHALF OF THE PETITIONER:

JEREMY D. PETERSON, ESQUIRE  
JOHN D. ZELE, ESQUIRE  
Morgan, Lewis & Bockius, LLP  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004-2541

1 ON BEHALF OF PATENT OWNER:

Cases IPR2016-01494, 01704, 01861 and 01865  
Patents 8,274,991 B2; 8,565,256 B2; and 9,125,051 B2

1 RICHARD E. CAMPBELL, ESQUIRE  
2 MICHAEL C. JONES, ESQUIRE  
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6 San Diego, California 92101  
7  
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9 The above-entitled matter came on for hearing on  
10 Thursday, December 7, 2017, commencing at 1:00 p.m., at the  
11 U.S. Patent and Trademark Office, 600 Dulany Street,  
12 Alexandria, Virginia.  
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17 P R O C E E D I N G S

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19 JUDGE WEATHERLY: Good afternoon, everyone  
20 here and good morning to Judge Turner. This is a hearing for  
21 four inter partes reviews collectively addressing claims in three  
22 related patents as follows: IPR2016-01494 relates to U.S. patent  
23 number 8,274,991; IPR2016-01704 relates to U.S. patent number  
24 8,565,256; and IPR2016-01861 and 01865 both relate to U.S.  
25 patent number 9,125,051.

26 I'm Judge Weatherly, and I'm joined remotely by Judge  
27 Turner from our regional office in San Jose and Judge Jivani from  
28 Georgia. The camera position above the screen to my left on  
29 which Judges Turner and Jivani appear captures their view of the  
30 proceedings. So if at any time you wish to address them, it would

1 be helpful probably for them and make it a little more natural for  
2 them if you look over there.

3 Please also be sure to describe any slides that you are  
4 discussing by number so that Judges Turner and Jivani can follow  
5 along with the presentation a little more easily and also to  
6 improve the usefulness of the transcript for the three of us after  
7 the hearing.

8 Pursuant to our hearing order, each party has a total of  
9 90 minutes to present their argument. Petitioner will proceed first  
10 because it bears the burden of proof, followed by the patent  
11 owner. Petitioner may reserve time solely to rebut arguments that  
12 patent owner advances in their presentation.

13 Because the hearing addresses four proceedings, I  
14 wanted to get the parties' input on how, if at all, they wanted to  
15 divide time among the different proceedings. I know that patent  
16 owner has presented not only separate slide decks for individual  
17 proceedings, but it has also provided a unified slide deck.

18 MR. CAMPBELL: Your Honor, that's the one we  
19 intend to proceed with today.

20 JUDGE WEATHERLY: Petitioner, do you have any  
21 preferences about how we --

22 MR. PETERSON: Your Honor, I just submitted four  
23 because at the time I didn't know how that time was going to be  
24 allocated. I was just going to go through them right in order, if  
25 that's okay.

1           JUDGE WEATHERLY: So in your view, it's fine for  
2 you to do a single presentation on all four proceedings in one  
3 shot, so to speak, and patent owner will have its time to oppose  
4 and then whatever time you've reserved?

5           MR. PETERSON: That's correct.

6           JUDGE WEATHERLY: Fantastic. Before we actually  
7 really begin the arguments, I would like everybody in the room to  
8 introduce themselves and who they brought with them, beginning  
9 with counsel for petitioner.

10          MR. PETERSON: My name Jeremy Peterson  
11 representing petitioner, and with me is John Zele, also  
12 representing petitioner.

13          MR. CAMPBELL: I'm Richard Campbell representing  
14 the patent owner, Wireless Protocol Innovations. With me today  
15 is my colleague, Michael Jones. We also have representatives  
16 from the patent owner, Nicholas Wilson and Adrian Smith.

17          JUDGE WEATHERLY: Thanks very much. Also,  
18 before we begin the substantive argument, I have one request of  
19 patent owner. I know petitioner, at least in the 1494 IPR and the  
20 1704 IPRs, filed objections to your demonstrative exhibits. And I  
21 wanted to know from you whether there are any factual  
22 inaccuracies in those objections, in those two proceedings.

23          MR. CAMPBELL: What they are, Your Honor, is they  
24 are what we call adjacent quotes from quotes recited before. And  
25 they also arose --

1           JUDGE WEATHERLY: I'm familiar with what the  
2 objections are and I didn't really want to address the objections  
3 unless there were factual inaccuracies.

4           MR. CAMPBELL: We are happy with that, that you  
5 can consider them after the hearing.

6           JUDGE WEATHERLY: Are there any factual  
7 inaccuracies of which you are aware in those objections?

8           MR. CAMPBELL: No, not that we are aware.

9           JUDGE WEATHERLY: You understand what I mean  
10 by factual inaccuracies?

11          MR. CAMPBELL: Yes.

12          JUDGE WEATHERLY: So with that out of the way,  
13 petitioner, how much time would you like to reserve for rebuttal?

14          MR. PETERSON: Probably about a half an hour.

15          JUDGE WEATHERLY: I made the right guess then.  
16 So you'll have 60 minutes in your opening presentation and you  
17 may begin whenever you are ready.

18          MR. PETERSON: Good afternoon, Your Honor. Good  
19 morning, Your Honor. My name is Jeremy Peterson. I'll be  
20 representing the petitioners in the instituted IPRs. I'll start with  
21 the demonstratives for the '991 patent. Patent owner has five  
22 different arguments relating to the '991 patent. First patent owner  
23 argues that the descriptive words or figures -- I'm sorry, this is  
24 demonstrative 5. The descriptive words or figures used in the  
25 prior art are not the same ones used in the patent. For instance,

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