

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

KONINKLIJKE PHILIPS N.V.,
Patent Owner.

Case IPR2017-00437
Patent 6,772,114 B1

Record of Oral Hearing
Held: February 13, 2018

Before KEVIN F. TURNER, ROBERT J. WEINSCHENK, and
KAMRAN JIVANI, *Administrative Patent Judges*.

Case IPR2017 00437
Patent 6,772,114 B1

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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The above-entitled matter came on for hearing on Tuesday, February 13, 2018, commencing at 1:00 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

PROCEEDINGS

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JUDGE WEINSCHENK: Good afternoon, everyone. This is a hearing for IPR2017-00437, Google, LLC versus Philips N.V. Let's start with appearances, who do we have for Petitioner? And please step up to the center podium when you introduce yourselves.

MR. KRINSKY: Good afternoon, Your Honor, David Krinsky for Petitioner, Google. At counsel table with me is Mr. Suarez, and I'd also like to recognize Kevin Hardy and Christopher Geyer we're all from Williams and Connolly, LLP. Also here is John Colgan from Google.

JUDGE WEINSCHENK: Great, thank you. And who do we have for Patent Owner?

MR. OLIVER: Good afternoon, Your Honor. Justin Oliver of Fitzpatrick, Cella on behalf of the Patent Owner. With me at counsel table is Sean Walsh, also of Fitzpatrick, Cella.

JUDGE WEINSCHENK: All right, thank you very much. Before we get started just a few housekeeping matters. As you can see Judge Turner and Judge Jivani are appearing remotely, so in order for them to be able to hear you whenever you're speaking please step up to the center podium and speak into the microphone. And when you're referring to any of your slides please use slide numbers so they can follow along. As you know from our order each side has 30 minutes to present their case. We'll start with Petitioner, just let us know if you'd like to reserve any time for rebuttal.

MR. KRINSKY: Thank you, Your Honor, and I would like to reserve 15 minutes for rebuttal.

1 JUDGE WEINSCHENK: 15?

2 MR. KRINSKY: 15, I mean if I go a little into that I can use less on
3 rebuttal. Before we begin also would Your Honor like a copy of the slide
4 deck in paper?

5 JUDGE WEINSCHENK: Sure.

6 MR. KRINSKY: May I approach?

7 JUDGE WEINSCHENK: Yes.

8 MR. KRINSKY: Just one?

9 JUDGE WEINSCHENK: Yes, thank you. You may begin when
10 you're ready.

11 MR. KRINSKY: Thank you, Your Honor, may it please the Board.
12 The Tucker patent application, Exhibit 1004, anticipates and renders obvious
13 the instituted claims of the '114 patent in significant part because it is
14 directed to the same type and structure of subband coder and decoder. If we
15 could go directly -- and I apologize in advance for skipping around a little
16 bit -- I'm going to jump to slide 4. I've put up on the screen a copy of Claim
17 20, which is just the decoder side, but it's a representative claim for these
18 purposes.

19 And as you can see from Claim 20 there are really only three terms in
20 dispute, and I would submit really only two fundamental issues in dispute.
21 The question of whether Tucker teaches the required second coded signal
22 within a high frequency range and whether Tucker teaches the required
23 low-pass and high-pass filters. And I think it makes sense, given the sort of
24 smoke and mirrors that I think we're likely to see from Philips, to begin with
25 the filter terms. I think those are the ones that are perhaps the most
26 confusing.

1 If we could jump to slide 21, slide 21 has a copy of figure 2 of Tucker,
2 and I would submit I've highlighted here the portion of figure 2 -- this is
3 Tucker's decoder -- I've highlighted the portion of figure 2 that relates to
4 decoding the high band. In both Tucker and the '104 patent, of course,
5 there's one portion which is directed to decoding -- encoding and decoding
6 the upper band.

7 Typically, 4-8 kilohertz signal, and another portion that's directed to
8 encoding and decoding. In this case, decoding the 0-4 kilohertz signal, the
9 lower band, the highlighted portion here being the upper band, and the
10 question as to both filter terms is what does figure 2 mean when it says
11 "interpolate" in box 32 that's in the lower band.

12 JUDGE WEINSCHENK: Mr. Krinsky, you've told us what
13 interpolate means, right? You said interpolate means upsampling followed
14 by a low-pass filter, right?

15 MR. KRINSKY: That's right, when interpolate doesn't have any
16 further color, that's correct. That's what interpolate means in box 32, of
17 course, that needs then to be reflected to the upper band in box 26. And I
18 think the key point here is everyone agrees in the art that interpolate may or
19 may not include a filter depending on the context. When you upsample that
20 yields ghosting, that you wind up with two copies of the signal, essentially,
21 that are mirror images of each other frequency --

22 JUDGE WEINSCHENK: But you've told us that in the context of
23 this Tucker reference interpolate means upsampling followed by a low-pass
24 filter, right?

25 MR. KRINSKY: That is correct. That is correct, and that's what it
26 means in the art when you do filtering, again, when there's no further word

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