

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY CORPORATION,
Petitioner,

v.

FUJIFILM CORPORATION,
Patent Owner.

Case IPR2017-00618
Patent 7,355,805 B2

Record of Oral Hearing
Held: September 25, 2018

Before JO-ANNE M. KOKOSKI, JEFFREY W. ABRAHAM, and
MICHELLE N. ANKENBRAND, *Administrative Patent Judges*.

Case IPR2017-00618
Patent 7,355,805 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

RICHARD F. GIUNTA, ESQUIRE
Wolf, Greenfield & Sachs, PC
600 Atlantic Avenue
Boston, MA 02210

ON BEHALF OF THE PATENT OWNER:

NEIL P. SIROTA, ESQUIRE
Baker Botts LLP
30 Rockefeller Plaza
New York, NY 10112

The above-entitled matter came on for hearing on Tuesday, September 25, 2018, commencing at 1 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

P R O C E E D I N G S

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JUDGE KOKOSKI: You can be seated. Good afternoon. Today we will hear arguments in IPR2017-00618 Sony Corporation v. Fujifilm Corporation concerning U.S. Patent No. 7,355,805. I'm Judge Kokoski. Judge Abraham is here with me and Judge Ankenbrand is joining us remotely. At this time we'd like counsel to introduce yourselves, also let us know who you have with you, beginning with Petitioner.

8

MR. GIUNTA: Good afternoon, Your Honors. Rich Giunta from Wolf, Greenfield for the Petitioner Sony. I'm joined by my colleague, Marc Johannes.

11

MR. SIROTA: Good afternoon. Neil Sirota of Baker Botts for Patent Owner Fujifilm, and with me is Albert Boardman from Baker Botts.

13

JUDGE KOKOSKI: Thank you. Before we begin, I'd like to remind the parties that whatever's projected on the screen will not be viewable by Judge Ankenbrand. When you refer to an exhibit on the screen please state the slide or page number to which you are referring for the record. This also is important for clarity in the transcript.

18

Consistent with our Hearing Order, each party has 60 minutes to present their arguments. Petitioner will proceed first, and may reserve time for rebuttal. How much time would you like to reserve, if any?

21

MR. GIUNTA: We'd like to reserve 15 minutes, Your Honor.

22

JUDGE KOKOSKI: Fifteen?

23

MR. GIUNTA: Fifteen, yes. And we're going to split the argument so could we set the timer for 35 minutes so I don't eat into Mr. Johannes's time.

25

1 JUDGE KOKOSKI: Sure.

2 MR. GIUNTA: Thank you.

3 JUDGE KOKOSKI: Okay. You can begin when you're ready.

4 MR. GIUNTA: Thank you, Your Honor. The Petition identified four
5 grounds. In grounds two and three each had two bases. Your Honors
6 originally instituted only grounds one to three and for grounds two and three
7 you instituted only on basis one. Those three originally instituted grounds
8 are what we plan to focus on today. Your post-SAS order also instituted
9 ground four and for grounds two and three, basis two. We will rest on the
10 papers on those grounds.

11 Slide 3. Fujifilm's Patent Owner Response makes three arguments
12 that apply to all the originally instituted grounds. They allege that the art
13 fails to meet a unique servo stripe identifier as recited in claim 1, shifting a
14 pair of non-parallel stripes as recited in claim 2 and encoding as recited in
15 claims 3 and 10. I will address those three arguments.

16 Patent Owner Response also makes three additional ground specific
17 arguments alleging that a POSA would not have been motivated to combine
18 Hennecken with Albrecht II, that Hennecken teaches away from the
19 combinations and that Hennecken alone allegedly does not meet the
20 converting encoded data steps in claims 3 and 10. Mr. Johannes will address
21 those arguments.

22 Slide 4. So I want to start with the issue of whether Hennecken's
23 servo stripe number uniquely identifies a servo stripe. This is the sole
24 missing limitation argument Patent Owner Response makes for claim 1.

25 Turn to slide 5. Before diving into the issue I want to provide a bit of
26 technology background. So first, there's no dispute that the terms servo

1 stripe, servo track and servo band all mean the same thing. These terms are
2 used interchangeably in the art and in the trial papers and we will use them
3 interchangeably today.

4 Slide 6. The technology issue relates to coarse transverse positioning
5 for magnetic tapes. Tapes typically have a number of data bands. On slide 6
6 we have the prior art Fasen reference that has data bands 101 to 104. Data is
7 written to the tape by a write head and read from the tape by a read head.
8 The tape has servo bands that provide identifying information that the read
9 head uses to find the data it wants to read. Coarse transverse positioning,
10 which is also sometimes called gross transverse positioning, refers to
11 aligning the head over the desired data band to read data from it. Each data
12 band typically has a plurality of data tracks. Fine transverse positioning
13 refers to aligning the read head over a particular track within the data band.

14 So conventionally, fine positioning was performed using pairs of non-
15 parallel stripes. The spacing between the pairs varies across the width of the
16 tape and it's used to determine which data track the read head is positioned
17 over. Now the most straightforward way to identify different servo tracks
18 for coarse transverse positioning is to just give each a unique identifier, just
19 like a house has a unique house number, but that requires a complicated
20 servo write head capable of writing separate data to each servo track. Given
21 that, alternative techniques like Fasen's were developed that use non-unique
22 servo patterns. Now while these techniques use a simpler servo write head
23 they require a more complicated read process in which data from multiple
24 servo tracks must be compared because the servo data in any track does not
25 uniquely identify the track.

26 Slide 7. The purported invention in the '805 patent is embedding

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