

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ERICSSON INC. AND TELEFONAKTIEBOLAGET
LM ERICSSON, AND
AT&T MOBILITY, LLC,
Petitioner,

v.

INTELLECTUAL VENTURES I, LLC,
Patent Owner.

Case IPR2016-01169/ IPR2017-00681
Patent 5,960,032

Record of Oral Hearing
Held: September 11, 2017

Before KRISTEN L. DROESCH, BRIAN J. McNAMARA, and DAVID C.
McKONE, *Administrative Patent Judges*.

Case IPR2016-01169/ IPR2017-00681
Patent 5,960,032

APPEARANCES:

ON BEHALF OF PETITIONER:

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The above-entitled matter came on for hearing on Monday, September 11, 2017, commencing at 1:30 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

1 PROCEEDINGS

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3 JUDGE McNAMARA: Good afternoon, everyone.
4 This is the trial hearing in Ericsson and AT&T Mobility
5 versus Intellectual Ventures. This is a joint proceeding. It
6 was originally Case IPR2016-01169, and, later,
7 IPR2017-00681 was joined to it. Beginning with the
8 Petitioner, could counsel please introduce yourselves?

9 MR. LOWES: Yes, Your Honor. This is Andrew
10 Lowes, lead counsel for Petitioner Ericsson. Also with me
11 today is Adam Fowles, backup counsel for Ericsson, as well
12 as Ericsson's inhouse counsel, Tim Calloway.

13 JUDGE McNAMARA: Thank you.

14 MS. GORDON: Your Honor, this is Lori Gordon
15 from the law firm of Stern Kessler Goldstein and Fox. I'll
16 be arguing today on behalf of the Patent Owner Intellectual
17 Ventures I. With me is Steve Peters, also from Stern
18 Kessler, and Russ Rigby, from the Patent Owner
19 Intellectual Ventures I.

20 JUDGE McNAMARA: Thank you very much.
21 Welcome to the Patent Trial and Appeal Board. Today, the
22 Petitioner will proceed first to present the case with regard
23 to the challenged claims on which we instituted a trial, then
24 the Patent Owner will argue its opposition to the Petitioner's
25 case, and the Petitioner can use any time it reserved to rebut
26 the Patent Owner's opposition. Those are the only

1 arguments we'll hear. If you have concerns that something
2 is being said that shouldn't be during the other party's
3 argument, I would ask you to please hold your comment
4 until you have another opportunity to address the Board.
5 We don't -- we would like to avoid having objections raised
6 during the parties' presentation.

7 Each party will have 45 minutes, so, if we're ready to
8 begin. Petitioner, is there some amount of time you'd like
9 me to alert you to?

10 MR. LOWES: Yes, Your Honor. I'd like to use 35
11 minutes for my initial presentation and the remaining 10
12 minutes for rebuttal.

13 JUDGE McNAMARA: Okay, thank you.

14 MR. LOWES: If we could take just a moment to get
15 our slides going.

16 JUDGE McNAMARA: Sure. I'm sorry, are these
17 demonstratives?

18 MR. LOWES: Yes, Your Honor.

19 JUDGE McNAMARA: Did you file demonstratives?

20 MR. LOWES: Yes, I believe we did, Your Honor.

21 MR. FOWLES: Yes, we did.

22 MR. LOWES: On Thursday.

23 JUDGE McNAMARA: Okay, I'm sorry. All right,
24 thank you very much.

25 MR. LOWES: Your Honor, we're ready. We'd like
26 to go ahead and begin. Thank you and good afternoon. As

1 I said earlier, I'm Andrew Lowes on behalf of Petitioner
2 Ericsson. With our presentation today, we'd like to address
3 the specific arguments raised by the Patent Owner in their
4 briefing and those areas of dispute between the parties.
5 However, we have addressed all the issues in our -- that
6 Patent Owner raised in our petition, as well as our reply and
7 our observations, and we stand on those arguments as well,
8 even if not specifically discussed here today.

9 If we could go to slide 2, and this is of Exhibit 1050
10 filed last week. So this is an overview of the patent
11 showing claim 1 divided into various aspects for the patent.
12 We have done this for the ease of discussion, as well as
13 we've broken down the claim elements themselves for
14 application to the art. With respect to the aspects, the '032
15 is related to the possibility to manipulate an incoming serial
16 data stream to achieve a high data rate with only limited
17 expansion of the bandwidth over the bandwidth used for the
18 incoming data stream. And this is done by first dividing a
19 serial to parallel -- the serial incoming data into parallel data
20 streams, then expanding the bit duration, then modulating
21 those expanded bits with modulating sequences. Those
22 sequences have various properties. And, finally, summing
23 that for transmission by the system.

24 Now, these aspects were also known prior to the
25 filing date of the patent in the Sasaki references, which we'll
26 discuss. And Sasaki was attempting to achieve the same

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