

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SPRINT SPECTRUM L.P.,
Petitioner,

v.

GENERAL ACCESS SOLUTIONS, LTD.,
Patent Owner.

Cases

IPR2017-01885 (Patent 7,173,916 B2)

IPR2017-01887 (Patent 6,891,810 B2)

IPR2017-01889 (Patent 7,230,931 B2)

Record of Oral Hearing
Held: December 6, 2018

Before MELISSA A. HAAPALA, *Acting Vice Chief Administrative Patent Judge*, and KALYAN K. DESHPANDE and DAVID M. KOHUT, *Administrative Patent Judges*.

IPR2017-01885 (Patent 7,173,916 B2)
IPR2017-01887 (Patent 6,891,810 B2)
IPR2017-01889 (Patent 7,230,931 B2)

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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The above-entitled matter came on for hearing on Thursday,
December 6, 2018, commencing at 10:29 a.m., at the U.S. Patent and
Trademark Office, 600 Dulany Street, Alexandria, Virginia.

IPR2017-01885 (Patent 7,173,916 B2)
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P R O C E E D I N G S

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2 JUDGE DESHPANDE: Good morning, everybody. We're here
3 for IPR2017-01885, -01887, -01889, Sprint Spectrum versus General Access
4 Solutions. Could we have our appearances first? Who do we have for
5 Petitioner?

6 MR. HILTON: Your Honor, for Petitioner my name is Robert
7 Hilton from McGuire Woods and this is my colleague, Jason Cook.

8 JUDGE DESHPANDE: Great. And for Patent Owner?

9 MR. DOWELL: For Patent Owner, Anthony Dowell and my
10 partner, Rick McCaulley.

11 JUDGE DESHPANDE: Okay. Great. We outlined in our Trial
12 Hearing Order the procedure for today. Petitioner will present first, as
13 Petitioner bears the burden of proof. The Petitioner may reserve half of its
14 time for rebuttal, Patent Owner may present after Petitioner and whatever
15 remaining time you may use for sur-rebuttal.

16 Please just be sure that we do have a remote judge, so when you
17 speak, if you don't speak into a microphone, he can't hear you. And for the
18 same reasons if you're on a demonstrative slide, please identify what
19 demonstrative slide you're on. If you're in the record, what paper and page
20 number you're in the record. That will help us get a clear transcript for today
21 and that will also help our remote judge for being able to follow us.

22 If no one has any questions, Petitioner, you may present first.

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1 I think we set up that you have 90 minutes to present in any order
2 you want, any of the three cases. Does that sound --

3 MR. HILTON: That sounds great.

4 JUDGE DESHPANDE: Is that everyone's understanding?

5 MR. COOK: Yes, Your Honor.

6 MR. HILTON: Good morning, Your Honor. Can I -- do I need to
7 reserve time for the rebuttal or just whatever is left we'll deal with it.

8 JUDGE DESHPANDE: You can do either.

9 MR. HILTON: Okay. Probably I'd like to reserve --

10 JUDGE DESHPANDE: If you reserve, I'll give a warning as to
11 when you're approaching that point.

12 MR. HILTON: So 30 minutes for rebuttal.

13 So may it please the Board. So we're here today to discuss the
14 IPRs for 1885, 1887 and 1889. I'd like to first turn to slide 3 of our
15 demonstratives, and this slide actually illustrates the grounds for the 1885
16 and 1887 IPRs. So there's many issues and moving parts with related -- or
17 that are related to the disputes are the issues in dispute here.

18 The Patent Owner has attempted to swear behind the Ahy
19 reference and in doing so has submitted over 450 exhibits that purport to
20 show prior conception and diligence. Patent Owner has also questioned the
21 publication date of Klein and Sanders. We believe the 1885 and the 1887
22 IPRs are easily and almost completely resolved for two reasons. There's no

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1 proof of conception by Patent Owner and based on the public availability of
2 Klein and Sanders in early 2000.

3 So let's turn to slide 7. I'd first like to address the conception issue.
4 So the Patent Owner can't prove an earlier date of conception in this case,
5 because the finding would conflict with the inventorship of the two patents.
6 Slide 7 shows a general timeline associated with the conception claim. Mr.
7 Struhsaker was one of three inventors of the '916 and the '810 patents. The
8 Patent Owner filed a declaration by Mr. Struhsaker in the IPRs testifying
9 that every claim of the '916 and every claim of the '810 were conceived on
10 May 24, 2000 in an investor presentation.

11 The '916 and '810 patents each had two additional inventors
12 named. One was Mr. Nelson and one was Mr. McKown. Neither of these
13 other two inventors were asked to testify by the Patent Owner in this
14 proceeding, only Mr. Struhsaker. One of the other inventors joined Raze,
15 which is the predecessor company to General Access in September 2000,
16 and the other joined in October 2000.

17 JUDGE HAAPALA: Counsel, can I interrupt you for a second?

18 MR. HILTON: Yes.

19 JUDGE HAAPALA: An inventor of a patent doesn't have to be an
20 inventor in all the claims, is that your understanding?

21 MR. HILTON: That's correct.

22 JUDGE HAAPALA: So why is it important that only one inventor
23 has a declaration?

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