UNITED STATES PATENT AND TRADEMARK OFFICE

_____

BEFORE THE PATENT TRIAL AND APPEAL BOARD

_____

HYTERA COMMUNICATIONS CORP. LTD.,
Petitioner,

v.

MOTOROLA SOLUTIONS INC.,
Patent Owner.

_____

Case IPR2017-02183
Patent 8,279,991 B2

_____

Record of Oral Hearing
Held: February 8, 2019

_____

Before TREVOR M. JEFFERSON, DANIEL N. FISHMAN, and PATRICK
M. BOUCHER, *Administrative Patent Judges.*

APPEARANCES:

ON BEHALF OF THE PETITIONER:

TODD R. TUCKER, ESQ.
Calfee, Halter, & Griswold, LLP
The Calfee Building
1405 East Sixth Street
Cleveland, Ohio 44114
216-622-8231

ON BEHALF OF THE PATENT OWNER:

AKSHAY DEORAS, ESQ.
Kirkland & Ellis, LLP
555 California Street
San Francisco, California 94104
415-439-1416

The above-entitled matter came on for hearing on Friday, February 8, 2019, commencing at 10:00 a.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

1	P R O C E E D I N G S
2	- - - - -
3	10:11 a.m.
4	JUDGE JEFFERSON: Good morning. This is the trial -- the
5	hearing of IPR2017-02183 and concerns Patent 8,279,991 which is owned
6	by Motorola Solutions, Inc. The Petitioner in this case is Hytera
7	Communications Corporation.
8	I'm Judge Jefferson. With me remotely are Judges Fishman and
9	Boucher.
10	At this time, counsel, please introduce yourselves at the lectern, so
11	we can make sure we get it recorded. We'll start with Petitioner making
12	appearances.
13	MR. TUCKER: Good morning, Your Honor. Todd Tucker from
14	Calfee, Halter & Griswold. I represent Petitioner, Hytera Communications.
15	And with me is my colleague, Mr. Josh Friedman.
16	JUDGE JEFFERSON: Thank you. And for the Patent Owner?
17	MR. DEORAS: Good morning, Your Honor. For Patent Owner,
18	my name is Akshay Deoras with Kirkland and Ellis. With me and speaking
19	today will be Adam Alper and Mike DeVries. Also lead counsel, Jon
20	Carter, is also here in the room. And with me from Motorola Solutions is
21	Paul Bartusiak.
22	JUDGE JEFFERSON: Thank you. Welcome. Obviously,
23	counsel is experienced before us, but I'll quickly remind you that the hearing
24	is open to the public. If there is something that needs to go off the record,

1   please let us know.   The parties have been given 60 minutes per side.   You

2   can reserve time for rebuttal for those issues.

3   I'll try to keep this accurate, but if not, I'll certainly let you know, if

4   you let me know how much time for rebuttal, you can certainly keep track of

5   it yourself and we will hopefully get the clock behind me working.

6   For clarity of the transcript, please state what slide number, exhibit

7   number, where you are in the transcript.   Trust me, it helps us in the back

8   end when we're working on your matters.   Demonstratives are not evidence.

9   I don't need to explain that to you.   While we appreciate them and I've

10   received the demonstratives electronically, or we've received them

11   electronically, so we should be able to follow along.

12   I'll skip the rest of this because I think you guys understand where

13   we're going.   You can begin when you're ready.

14   We'll start with Petitioner

15   MR. TUCKER: We're going to reserve 15 minutes, Your Honor.

16   JUDGE JEFFERSON: Okay.

17   MR. TUCKER: So we're here this morning to start with on the '991

18   patent.   We've got two more later in the day.   But I think that to set the

19   table, there's a reoccurring theme through these patents that will start a little

20   bit with a dull roar in the '991 and reach its crescendo when we get to this

21   afternoon with the '001, and that is that all of these patents are at best

22   incremental upgrades.   What they really are is instead of patent and

23   invention, the Patent Owner has consistently invented patents.   They've

24   taken known concepts, things found in the prior art, cloaked them in

1   sometimes interesting terms that tend to fall apart when they get looked at

2   with any amount of scrutiny.

3   The bottom line, starting with the '991 is this patent is just a simple

4   little add on to what's known as the ETSI standard.   All we're doing is

5   setting time slot information in a second place.   In the original ETSI

6   standard, information about the slots are sent in a Common Announcement

7   Channel.   The '991 patent, all it does is take that exact information and

8   throw it into a burst of the time slot.

9   The ETSI standard already sends this time slot information in the

10   Common Announcement Channels in sync information.   ETSI also includes

11   patterns that are embedded in the bursts that provide payload and source

12   information.   All the '991 patent says, and why don't we go to Slide 2, Mr.

13   Friedman?   All the '991 patent really says is also include the time slot

14   information again in the burst.   This is found in Zak.   Zak even gives the

15   exact same reason why Zak wants you to do this as stated in the '991 and

16   that is we're trying to reduce the time and increase the accuracy of

17   synchronization.

18   This is a classic case of obviousness.   This is nothing more than -- I

19   think even their expert Akl's design choice change of elements in the prior

20   art.   Also the references are clearly motivated to be combined.   As such,

21   the '991 patent is obvious over ETSI and Zak.

22   We would also submit that it's obvious over Zak and Yamaguchi . I

23   think for most of the presentation the argument will focus on ETSI and Zak

24   since that tended to be the focus of the institution decision.

DOCKET ALARM

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts

Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research

With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips

Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS
Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS
Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS
Sync your system to PACER to automate legal marketing.

fastcase®
Smarter legal research.