

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION and
MICROSOFT MOBILE INC.,
Petitioners,

v.

KONINKLIJKE PHILIPS N.V.,
Patent Owner.

Case IPR2018-00023
Patent 6,690,387 B2

Record of Oral Hearing
December 20, 2018

Before KEVIN F. TURNER, DAVID C. MCKONE, and
MICHELLE N. WORMMEESTER, *Administrative Patent Judges*.

Case IPR2018-00023
Patent 6,690,387 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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ON BEHALF OF THE PATENT OWNER:

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The above-entitled matter came on for hearing on Thursday, December 20, 2018, commencing at 12:59 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

PROCEEDINGS

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MR. DILL: All rise.

JUDGE WORMMEESTER: Please be seated. Good afternoon, everyone. We have our final hearing today in Case IPR2018-00023, Microsoft v. Philips, which concerns U.S. Patent No. 6,690,387. I'm Judge Wormmeester, and Judges Turner and McKone are appearing remotely.

Let's get the parties' appearances, please. Who do we have for Petitioner?

MS. MCCULLOUGH: Good afternoon, Your Honors; Christina McCullough of Perkins Coie for Petitioners, Microsoft Corporation and Microsoft Mobile Inc.

JUDGE WORMMEESTER: And who's here for Patent Owner?

MR. OLIVER: Good afternoon, Your Honor, Justin Oliver of Venable on behalf of Philips, the Patent Owner. With me at counsel table is Stephen Yam, also of Venable.

JUDGE WORMMEESTER: Thank you; welcome. We set forth the procedure for today's hearing in our trial order; but just to remind everyone the way this will work; each party will have 60 minutes to present arguments. Petitioner has the burden and will go first and may reserve time for rebuttal. Patent Owner will then have the opportunity to present its response. Please remember that Judges Turner and McKone will be unable to hear you unless you speak into the microphone; and when referring to any demonstrative, please state the slide number so that they can follow along.

Also, this is a reminder that the demonstratives that you submitted are not part of the record. The record of the hearing will be the transcript. We

1 will give you a warning when you're into your rebuttal or reaching the end of
2 your argument time. Are there any questions before we proceed?

3 MR. OLIVER: One question, Your Honor. With respect to the
4 motion to exclude will the Patent Owner have a chance to reserve rebuttal
5 time to the extent that --

6 JUDGE MCKONE: I'm not going to be able to hear you unless you
7 speak at the microphone at the podium. Thank you.

8 MR. OLIVER: Apologies, Your Honor. With respect to the motion
9 to exclude to the extent that is addressed on the Petitioner's rebuttal time,
10 will the Patent Owner be able to reserve time for rebuttal of that issue should
11 it be raised?

12 JUDGE WORMMEESTER: Yes; that's fine with us.

13 MR. OLIVER: Thank you.

14 JUDGE WORMMEESTER: Okay; Counsel, will you be reserving
15 any time?

16 MS. MCCULLOUGH: Yes, Your Honor; I'd like to reserve 15
17 minutes of my time for rebuttal.

18 JUDGE WORMMEESTER: 15 minutes; okay. And you may begin
19 when you are ready.

20 MS. MCCULLOUGH: Your Honor, if I may approach; I have some
21 courtesy copies of our demonstratives for the Board.

22 JUDGE WORMMEESTER: Sure.

23 MS. MCCULLOUGH: Thank you, Your Honors; Christina
24 McCullough for Petitioners Microsoft Corporation and Microsoft Mobile
25 Inc. I'll start at slide 2 of our demonstratives. This petition involves Patent
26 No. 6,690,387; and this patent describes a touchscreen system and method

1 that scrolls display data at the speed and in the direction of a user's touch.
2 The core aspects of this method are straightforward, and they're illustrated in
3 figure 1 of the '387 Patent, which is shown on slide 2.

4 The method starts by sensing the direction and speed of a touch; it
5 also senses the duration of a touch. The display data is scrolled along with
6 the finger's touch, and if the touch lifts from the screen, the scrolling can
7 slow down at some rate, as shown in step 106 of figure 1. The scrolling can
8 also stop in response to certain conditions like sensing a finger's touch, as
9 shown in step 108.

10 Moving to slide 3 -- this petition involves challenges to both the
11 method and the system claims; and I'll start by addressing the method claims
12 today.

13 Claim 9 is the only independent method claim in this patent; and this
14 claim tracks the steps of the figure 1 method we just saw. Claim 9 recites a
15 method of controlling scroll-like display of data on a screen that involves
16 sensing the duration of a touch; sensing the speed and direction of the touch;
17 initiating scrolling in that direction and at the sensed speed; slowing the
18 speed at a predetermined rate; and terminating scrolling upon sensing a few
19 conditions, including a substantially stationary touch or an end-of-scroll
20 signal.

21 The Board has construed this final limitation -- the stopping scrolling
22 limitation for the method claims as requiring sensing only one of these two
23 conditions; and that's consistent with how the district court has also
24 interpreted this claim in the pending litigation between the parties.

25 Moving to slide 4 -- slide 4 lists the grounds that are at issue in this
26 petition; and these grounds are based, primarily, on the Anwar patent --

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