

U.S. PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HYTERA COMMUNICATIONS CORP., LTD.,
Petitioner

v.

MOTOROLA SOLUTIONS INC.,
Patent Owner.

Case IPR2018-00176
Patent 6,591,111 B1

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:

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The above-entitled matter came on for hearing on Friday, February 8, 2019, commencing at 3:00 p.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 3:30 p.m.

3 JUDGE JEFFERSON: And we're back on the record.

4 We're here for case number IPR 2018-00176, Patent No. 6,591,111.
5 Hytera Communications is the Petitioner, Motorola Solutions is the
6 Patent Owner.

7 I believe this is our third and final hearing for the day with the
8 parties. I'll dispense with most of the preliminary issues, you have
9 60 minutes per side. You can reserve time for rebuttal for the
10 Petitioner, and I will try to keep track of the time up here.

11 Petitioner, please make your appearances.

12 MR. RYLAND: Josh Ryland, Calfee Halter, representing
13 Petitioner Hytera, and with me is my colleague, Josh Friedman.

14 JUDGE JEFFERSON: Welcome. And Patent Owner?

15 MR. DE VRIES: Thank you very much, Your Honors. My
16 name is Mike De Vries from the law firm of Kirkland & Ellis,
17 representing Patent Owner here, Motorola Solutions.

18 JUDGE JEFFERSON: Thank you. Parties may begin.

19 MR. RYLAND: I'm sorry?

20 JUDGE JEFFERSON: Petitioner may begin.

21 MR. RYLAND: Thank you. I'm going reserve 25 now.

22 JUDGE JEFFERSON: Okay.

1 MR. RYLAND: Maybe try to even beat that. I realize
2 that we're at the end of the day, a long day and a lot of patents, so I'm
3 going to try to move pretty quickly today.

4 JUDGE JEFFERSON: We will certainly try to do our best to
5 help you with that.

6 MR. RYLAND: I know that there's nothing between Friday
7 night and everybody in this room but the '111 patent, but this one
8 should move pretty quickly. I think this one has been crystallized
9 pretty well by the parties.

10 This is also a departure from the other two. While the '991
11 and '284 were on the minutia of time slots and things like that, with
12 the '111, we're going to go big, and that's really all the '111 patent
13 does. Josh, if you could turn to slide 2.

14 The idea behind the '111 patent is, it takes known networking
15 components and networks them together to make a bigger network,
16 and that's the essence of obviousness. These are all known
17 components, they put it together to expand the scope, and the patent
18 flatly admits that actually, for most of the components that are in the
19 claims, the claim elements, those are admitted prior art, and for the
20 very few that are still in dispute at this point in time, we believe that
21 the prior art cited adequately obviates the remaining claim elements.

1 Now, if you look at figure 1, and it's eerily similar to the one
2 we just looked at in Ganucheau, both Motorola patents, but in contrast
3 to what we discussed earlier where there were satellites beaming
4 things down across the globe, really what is claimed in the claims at
5 issue today are Claim 1, Claims 6 and 7, Claims 11, 12, and 13, and
6 Claims 15 and 16. None of those require satellite interaction or
7 anything Star Wars-esque like figure 1.

8 What it is -- and Josh, if you could turn to slide 3 -- you look
9 on the right side there, the patent tells you exactly what it's doing. It
10 takes an existing packet-switched network and couples it with an
11 existing group of radio sub-networks or sub-network, and in this case
12 of at least two, and it makes a bigger network. And that is what
13 we're talking about being the essence of obviousness here.

14 Next slide, please. Now, if we were combining known
15 components in getting something unique, novel, unexpected,
16 something like, that would be perhaps a better situation for Motorola,
17 but in this instance, all we're really doing is taking known networks
18 and patching them together to do exactly the same thing the known
19 networks do. We just get an expanded point-to-multi-point
20 communication network.

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