

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,  
Petitioner,

v.

QUALCOMM INCORPORATED,  
Patent Owner.

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Cases IPR2018-01250 and IPR2018-01251  
Patent 8,447,132 B1

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Record of Oral Hearing  
Held: October 10, 2019

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Before TREVOR M. JEFFERSON, DANIEL J. GALLIGAN, and  
AARON W. MOORE, *Administrative Patent Judges*.

IPR2018-01250 and IPR2018-01251  
Patent 8,447,132 B1

APPEARANCES:

ON BEHALF OF THE PETITIONER:

KIM LEUNG, ESQ.  
TIMOTHY W. RIFFE, ESQ.  
W. KARL RENNER, ESQ.  
Fish & Richardson P.C.  
1000 Maine Avenue, S.W.  
Washington, D.C. 20024  
202-626-6447

ON BEHALF OF THE PATENT OWNER:

EAGLE ROBINSON, ESQ.  
DARREN SMITH, ESQ.  
ERIK JANITENS, ESQ.  
Norton Rose Fulbright US, LLP  
98 San Jacinto Boulevard  
Suite 1100  
Austin, Texas 78701

The above-entitled matter came on for hearing on Thursday, October 10, 2019, commencing at 12:30 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

PROCEEDINGS

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1  
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3 USHER: All rise.

4 JUDGE JEFFERSON: Oh, you may be seated while I get the Judge.

5 JUDGE GALLIGAN: Good afternoon, this is Judge Galligan. Can  
6 you hear me?

7 JUDGE JEFFERSON: We can hear you. We -- about a second away  
8 from seeing you.

9 JUDGE GALLIGAN: Thank you.

10 JUDGE JEFFERSON: There we go.

11 JUDGE GALLIGAN: Good afternoon. I'm Administrative Patent  
12 Judge Galligan joining from the Texas Regional Office, and before you are  
13 Judges Jefferson and Moore, and this is a hearing for two IPRs, IPR2018-  
14 1250 and  
15 2018-1251 involving U.S. Patent 8,447,132. Petitioner is Apple and Patent  
16 Owner is Qualcomm. May I have appearances for each side, please? And  
17 please step up to the podium and make sure the light is green.

18 MR. RENNER: Okay, yes, sir. Yes, Your Honor, this is Karl Renner  
19 from Fish & Richardson. I'm joined by colleagues, Tim Riffe and Kim  
20 Leung, and I guess I'll say it as in before, we'll reserve 30 minutes in terms  
21 of our direct for redirect. Thank you.

22 JUDGE JEFFERSON: So 30 minutes for both?

23 MR. RENNER: Yes.

24 JUDGE JEFFERSON: Thank you. Patent Owner?

1 MR. ROBINSON: Good afternoon, Your Honor, Eagle Robinson for  
2 Patent Owner. With me are Darren Smith and Erik Janitens, and we'd like to  
3 reserve 20 minutes for surrebuttal, please.

4 JUDGE GALLIGAN: Thank you. We issued an order in both of  
5 these cases. We are having one hearing for both cases and each side will  
6 have 1 1/2 hours of argument, total, so that's 3 hours total of argument time  
7 for this hearing. Petitioner, you bear the burden of persuasion in showing  
8 that the challenged claims are unpatentable. You will proceed first; Patent  
9 Owner may respond. Petitioner, you may have rebuttal time, you reserved  
10 30 minutes, and Patent Owner, you may have surrebuttal time. With that,  
11 Petitioner, you may begin.

12 MR. RENNER: And, Your Honors, locally, can we approach with  
13 demonstratives?

14 JUDGE JEFFERSON: Yes. Yes. Thank you.

15 JUDGE GALLIGAN: Oh, and because I'm remote, please, when  
16 you're presenting, let me know what slide number you're on, and any other  
17 paper, please reference explicitly. Thank you.

18 MS. LEUNG: Yes, Your Honor. May it please the Board, my name  
19 is Kim Leung and I, along with my colleagues, Karl Renner and Tim Riffe,  
20 are on behalf of Petitioner Apple, Inc. Two IPRs were instituted against the  
21 132 Patent, IPR2018-1250 which we'll refer to the 1250 IPR, and IPR2018-  
22 1251 which we'll refer to as the 1251 IPR. Slide 2, please. So rather than  
23 walking step-wise through each ground and claim, we'll try to focus in our  
24 limited time together on a subset of the issues that might benefit from a  
25 discussion today. For purposes of this discussion, we'll focus on issues 1 to  
26 4. If the Board would like us to address any particular issue first, or any of

1 the other issues, we can certainly do that; please let me know. Otherwise  
2 we'll proceed in the order listed here in the Table of Contents.

3 Slide 5, please. So let's talk a little bit about the 132 patent. So we  
4 see how the first line of this excerpt from the 132 patent, that the 132 patent  
5 recognized that techniques for detecting faces and other arbitrary objects and  
6 patterns and image are known in the art, and you'll also see as we've  
7 highlighted in this particular slide that the 132 patent acknowledged that  
8 techniques of dynamic range correction were known, and according to the  
9 132 patent, though, these techniques of dynamic range correction do not take  
10 into consideration or use of the content of the image, but the record  
11 demonstrates that dynamic range correction which considers and uses the  
12 content of the image was also well known at the time of the 132 patent.

13 Slide 7. Specifically the 1250 petition which is based on the  
14 Needham reference establishes that dynamic range correction considers and  
15 uses the content of the image was well known. Needham is about dynamic  
16 range correction using the content of the image which are detected image  
17 features.

18 Slide 8, please. The 1251 petition which includes grounds based on  
19 Zhang and Konoplev shows the broad reach of the claims to another type of  
20 correction, specifically a correction applying different amounts of blurring to  
21 different portions of an image.

22 Slide 9. Now that we've provided a brief overview of the 132 patent  
23 and the grounds and the references, let's go ahead and address the issues. So  
24 the first issue we have here by patent owner is whether the prior art discloses  
25 the determined correction is matched to the predetermined type of object  
26 recited in Claim 1.

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