

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, INC.,  
Patent Owner.

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Case IPR2018-01275  
Patent 9,203,940 B2

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Record of Oral Hearing  
Held: November 14, 2019

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Before DANIEL N. FISHMAN, MICHELLE N. WORMMEESTER, and  
AARON W. MOORE, *Administrative Patent Judges*.

Case IPR2018-01275  
Patent 9,203,940 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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The above-entitled matter came on for hearing on Thursday, November 14, 2019, commencing at 10:02 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 10:02 a.m.

3 JUDGE WORMMEESTER: Good morning. We have our final  
4 hearing in Case IPR201801275, Apple, Inc. v. Qualcomm, Incorporated,  
5 which concerns U.S. Patent Number 9,203,940.

6 I'm Judge Wormmeester. Judges Fishman and Moore are appearing  
7 remotely. Let's get the parties' appearances, please, who do we have for  
8 Petitioner?

9 MR. RENNER: Good morning, Your Honors. Karl Renner, from  
10 Fish and Richardson. I'm joined by three colleagues. I'm joined by Grace  
11 Kim, Dan Smith, and Tim Riffe.

12 JUDGE WORMMEESTER: Okay. And, who will be presenting the  
13 argument?

14 MR. RENNER: A combination of three, actually, I'll begin, Dan  
15 Smith will follow, and Grace Kim will present, as well.

16 JUDGE WORMMEESTER: Okay, great. Thank you. And, for --

17 MR. RENNER: From a --

18 JUDGE WORMMEESTER: - Patent Owner -- oh, I'm sorry, yes?--  
19 (Simultaneous speaking.)

20 MR. RENNER: Oh, from a reservation of time standpoint, we --

21 JUDGE WORMMEESTER: Oh, sure, we --

22 MR. RENNER: - we thought we'd ---

1 JUDGE WORMMEESTER: - we can do that now.-

2 MR. RENNER: - do this for 25 minutes.-

3 JUDGE WORMMEESTER: Forty five minutes?

4 MR. RENNER: Twenty five minutes.-

5 JUDGE WORMMEESTER: Oh, 25, okay.

6 MR. RENNER: And we have demonstratives, would you like a  
7 printed copy?

8 JUDGE WORMMEESTER: Sure.

9 MR. RENNER: Okay.

10 JUDGE WORMMEESTER: Thank you. And, who do we have for  
11 Patent Owner?

12 MR. WILLIAMS: Elliott Williams, at Baker Botts, for the Patent  
13 Owner, and with me, is Joe Akalski. And I, also, have a hard copy of our  
14 demonstratives.

15 JUDGE WORMMEESTER: Sure. Welcome. We set forth the  
16 procedure, for today's hearing, in our Trial Order, but just to remind  
17 everyone, the way this will work.

18 Each party will have 60 minutes to present arguments. Petitioner has  
19 the burden and will go first and may reserve time for rebuttal. I understand  
20 that's 25 minutes. Patent Owner will then have the opportunity to present its  
21 response and may also reserve time for surrebuttal.

22 Please remember that, Judges Fishman and Moore will be unable to  
23 hear you, unless you speak into the microphone and, when referring to any  
24 demonstrative, please state the slide number, so they can follow along.

1           Please also remember that the demonstratives that you submitted are  
2 not part of the record. The record of the hearing will be the transcript.

3           We will give you a warning, when you're reaching the end of your  
4 argument time. Any questions, before we proceed?

5           MS. KIM: I'm trying to get my slides to - my demonstratives to  
6 show on the screen.-

7           JUDGE WORMMEESTER: Okay.

8           PARTICIPANT: Did you unplug it? Because, if you don't unplug  
9 it, it goes.

10          MS. KIM: Great. Thank you.

11          JUDGE WORMMEESTER: All right, I'm going to set the clock for  
12 you. Okay, I'll set it for 35 minutes and I'll give you a five minute warning,  
13 does that work for you?

14          MR. RENNER: That'll be great.

15          JUDGE WORMMEESTER: Okay, when you're ready.

16          MR. RENNER: Okay, good morning, Your Honors. May I please  
17 the Board, I'm Karl Renner, for Apple. In response to the Institution  
18 Decision that was rendered, the Patent Owner has attempted, in several  
19 ways, to salvage subject matter from the '940 Specification.

20                 The first instance, the proposed claim constructions we believe to be  
21 untenable, and the second, they challenged the combination of the prior art  
22 that were before you, and a third, is they offered motion to amend substitute  
23 claims and a contingent motion to amend.

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