

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.,
Petitioner,

v.

QUALCOMM INCORPORATED,
Patent Owner.

Case IPR 2018-01277
Case IPR 2018-01278
Patent 8,497,928 B2¹

RECORD OF ORAL HEARING
Held: October 9, 2019

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

IPR 2018-01277 & IPR 2018-01278
Patent 8,497,928 B2¹

APPEARANCES:

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The above-entitled matter came on for hearing Wednesday, October 9, 2019, commencing at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

PROCEEDINGS

1
2 JUDGE MOORE: Please, be seated. Good afternoon. Welcome to
3 the Board. We will hear argument now in cases IPR 2018-1277 and IPR
4 2018-1278. The Petitioner is Apple, Inc. The Patent Owner is Qualcomm,
5 Inc. The patent at issue here is U.S. 8,497,928. I'm Judge Moore. On my
6 left is Judge Wormmeester. Excuse me. On the video, we have Judge
7 Fishman.

8 Will counsel for the parties please introduce yourselves starting with
9 Petitioner?

10 MR. DARBY: Petitioner Apple, Your Honor. Kenneth Darby along
11 with Karl Renner and Thomas Rozyłowicz.

12 MR. OAKS: Good afternoon, Your Honor. My name is Brian Oaks
13 from Baker Botts for Patent Owner, Qualcomm. And also with me is Megan
14 LaDriere also from Baker Botts, and we also have a number of
15 representatives from Qualcomm who are here for several IPR hearings
16 involving Qualcomm.

17 JUDGE MOORE: Thank you. Pursuant to our hearing order, each
18 side has 90 minutes of argument time.

19 Petitioner, are you ready to begin?

20 MR. DARBY: Your Honor, may we approach to distribute
21 paperwork --

22 JUDGE MOORE: Sure.

23 MR. DARBY: -- and the demonstratives? Thank you.

24 JUDGE MOORE: Like to reserve any time for rebuttal?

25 MR. DARBY: Yes, Your Honor. We'll be taking 45 minutes for the
26 direct and reserving 45 minutes for the rebuttal. Good afternoon, Your

1 Honors, and may it please the Board. My name is -- again, is Kenneth
2 Darby for Petitioner, Apple. We're very excited to speak with you today
3 about the '928 Patent and the two proceedings that Your Honors have
4 listened to against the challenged claims, a '1277 proceeding based on the
5 primary reference Hyodo and the '1278 proceeding based on the primary
6 reference, Konicek.

7 Can I have Slide 4, please?

8 I'd like to start by saying just a few words about the '928 Patent. As
9 noted here in the first bullet point, it is generally directed to techniques to
10 automatically focus a digital camera. In the background section of the '928
11 Patent, it describes the problem that the inventor set out to solve. They were
12 looking to solve the convoluted user interactions required to focus a camera.
13 Specifically mentioned is the half button press problem where the user
14 would take their device, they would frame a scene, press the shutter button
15 down halfway and initiate and lock focus. And once the focus was locked,
16 they would move the camera to adjust the scene as they see fit without
17 disturbing the focusing.

18 Now, the '928 articulates a solution to this problem, but that solution
19 was several years too late. The Hyodo reference, for example, at issue in the
20 '1277 proceeding a full eight years before the '928 Patent was filed
21 disclosed a very similar solution as the '928, touch-based focal point
22 selection. Focal point selection on a touch screen. And in the '1277
23 proceeding, the Suh reference similarly described a year earlier in 1998,
24 touch-based focal point selection.

25 Indeed, Your Honors, by the time the '928 Patent was filed in 2007,
26 commercial products already included the touch-based focal point selection.

1 It had emerged from the patent literature into commercial products. For
2 example, Qualcomm's Exhibit 2019 page 34 describes the Sony Cyber-shot
3 camera with touch-based focal point selection.

4 The '928 Patent has 16 claims, four of which are independent and two
5 of those independent claims are challenged in Apple's petitions; Independent
6 Claim 7 and Independent Claim 10 along with dependent Claims 8, 11, and
7 13.

8 Slide 5, please?

9 So here is Independent Claim 7. It's a representative claim for
10 purposes of our discussion here today and it recites a method for operating a
11 mobile device. The method has five steps listed here. Three of those which
12 we've highlighted here on the demonstrative exhibit, Slide 5, are the issues
13 that have been disputed by the parties, the elements in dispute.

14 The first of those is Element 7B in the petition. It's selecting a second
15 focal point for the image in response to receiving a first type of user input.
16 The second is Element 7C, focusing the lens component while the image is
17 being displayed, and the third is Element 7E, capturing the image in
18 response to a second type of user input.

19 Slide 7, please?

20 This is a quick snapshot of the instituted grounds. We'll be speaking
21 to the first and lead ground in each of the two petitions, the Hyodo ground in
22 the '1277 proceedings and the Konicek ground of the '1278 proceeding.

23 Slide 11, please?

24 So with that introduction, I'll dive into the substantive issues of the
25 case starting with the focal point selection feature, Element 7B. This is a
26 summary of the parties' respective interpretations of the claim term.

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