

RECORD OF ORAL HEARING

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS AMERICA INC.,

Petitioner,

v.

UNILOC LUXEMBOURG, S.A.,

Patent Owner.

IPR 2018-01664

Patent 8,872,646 B2

RECORD OF ORAL HEARING

Held on December 12, 2019

Before JENNIFER S. BISK, CHARLES J. BOUDREAU, and GARTH D.
BAER, *Administrative Patent Judges*.

IPR 2018-01664
Patent 8,872,646 B2

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The above-entitled matter came on for hearing on Thursday, December 12, 2019, commencing at 2:00 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

1 PROCEEDINGS

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3 THE USHER: All rise.

4 JUDGE BAER: Please be seated. Okay. Good afternoon,
5 everybody. We are here for our hearing in IPR 2018-1664, between
6 Petitioner, Samsung; and Patent Owner, Uniloc.

7 I'm Judge Baer. With me is Judge Bisk, and Judge Boudreau is on the
8 screen there appearing remotely. Judge Boudreau, can you hear us?

9 JUDGE BOUDREAU: Yes, I can hear you.

10 JUDGE BAER: Excellent. All right, let's go ahead and get the
11 parties' appearances. Let's start off with participants, who do we have for
12 Petitioner Samsung?

13 MR. CITROËN: Your Honors, Phillip Citroën, on behalf of
14 Petitioner, Samsung, and with me today is Naveen Modi and Anderson To.

15 JUDGE BAER: And Counsel will you be presenting today?

16 MR. CITROËN: Yes, I will.

17 JUDGE BAER: Great. Thank you. And for Patent Owner.

18 MR. KOIDE: Brian Koide for Patent Owner, Uniloc 2017.

19 JUDGE BAER: Thank you, Counsel. We certainly appreciate you all
20 making the effort to be here. We know it is some effort, and we do
21 appreciate you making the effort to be here.

22 A couple of things we want to address. The parties are each going to
23 have 45 minutes as we set forth in our Hearing Order. Please keep in mind
24 that whatever you project on the screen, Judge Boudreau won't be able to
25 see, but he does have a copy of the slides. So, to help us keep the record
26 clear, and to help Judge Boudreau, if you could just reference what slide, or
27 what Exhibit you're talking about that would be helpful.

1 We remind the parties that we are not going to do speaking objections,
2 under no circumstances are you to object while the other part is presenting.
3 If you have an objection that's fine, but you may present it during your
4 argument time.

5 I think that's about it, does Counsel for Petitioner have any questions?

6 MR. CITROËN: No, Your Honor.

7 JUDGE BAER: And Counsel for Patent Owner?

8 MR. KOIDE: No, Your Honor.

9 JUDGE BAER: Great. With that, we are ready to begin. We are
10 going to start with Petitioner. I know that we don't -- this case is a little
11 unusual because we just have the motion to amend. But we are going to
12 start with Petitioner. So, we'll go ahead and start with you. Counsel, first of
13 all, would you like to reserve any time for rebuttal?

14 MR. CITROËN: Yes, Your Honor, 15 minutes.

15 JUDGE BAER: Okay.

16 MR. CITROËN: And before we begin, I have copies of the
17 demonstratives if you'd like them.

18 JUDGE BAER: Please.

19 MR. CITROËN: Sure.

20 JUDGE BAER: And Patent Owner, do you have copies of your
21 demonstratives, or no?

22 MR. KOIDE: I'm sorry, I do not.

23 JUDGE BAER: That's fine. Because if you did, we'd have you bring
24 them up now, but that's okay, we have copies. Great, thank you. Take your
25 time setting up, but as soon as you're ready, you may begin, we'll put -- you
26 said 15 minutes rebuttal, Counsel?

1 MR. CITROËN: Yes, Your Honor.

2 JUDGE BAER: Great. We'll put 30 minutes on the clock. And you
3 can begin whenever you're ready.

4 MR. CITROËN: Good afternoon. May it please the Board? My
5 name Phillip Citroën, and I will be speaking on behalf of Petitioner Samsung
6 today. And as I mentioned earlier, with me is Naveen Modi and Anderson
7 To, also on behalf of Petitioner Samsung.

8 So, just to provide some context before I get into the specific issues,
9 certain claims of the 646 Patent have already been challenged in an IPR,
10 claims 1, 3, 5 to 11, 13 to 18 and 20, were found unpatentable by this same
11 Panel in IPR 2018-289, which was filed by Apple and joined by Samsung.
12 Because claim 22, which is the sole claim challenged in this proceeding, the
13 position from claim 20 as practically identical to claim 18, the same
14 combination of references and the same analysis was provided in this
15 petition.

16 Faced with the decision in 289, Uniloc did not file a Patent Owner
17 response as was previously mentioned, so the positions in the petition are
18 uncontested with respect to claim 22, and should be found unpatentable for
19 the same reasons that claim 18 was found unpatentable.

20 JUDGE BAER: But claim 22 is going to be cancelled, right, because
21 we have non-contingent motion to amend, so let's go ahead and jump right
22 into the amended claim.

23 MR. CITROËN: Okay. So, if you can go to slide 2 very quickly.
24 This presents -- slide 2 presents claim 23, which is the amended claim that
25 was presented, and the old highlights the differences between claim 22 and
26 claim 23.

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