

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,
and ERICSSON, INC.,¹

Petitioners,

v.

UNILOC 2017 LLC.,

Patent Owner.

IPR2019-01116
Patent 7,016,676 B2

Record of Oral Hearing
Held: September 9, 2020

Before JAMESON LEE, KEVIN F. TURNER, and MICHELLE N.
WORMMEESTER, *Administrative Patent Judges.*

¹ Petitioner from IPR2020-00376 has been joined to this proceeding.

IPR 2019-01116
Patent 7,016,676 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

DERRICK W. TODDY, ESQUIRE
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ON BEHALF OF PATENT OWNER:

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The above-entitled matter came on for hearing on Wednesday, September 9, 2020, commencing at 1:00 p.m., EDT, at the U.S. Patent and Trademark Office, by video/by telephone, before Walter Murphy, Notary Public.

P R O C E E D I N G S

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2 JUDGE LEE: Good afternoon everyone. This is the Oral Hearing
3 for IPR 2019-01116. The initial Petitioner is Microsoft Corporation and the
4 Patent Owner is Uniloc 2017 LLC. Ericsson, Inc., the Petitioner from IPR
5 2020-00376 has been joined as a party Petitioner. The involved patent is
6 U.S. patent 7,016,676 B2 and the involved claims are claims 1 and 2. Now
7 there is a public audio line open for this hearing. Just want counsel for each
8 party to know that.

9 I am Judge Jameson Lee joined by Judges Kevin Turner and Michelle
10 Wormmeester. Before we begin we wish to thank counsel for your
11 flexibility in conducting this hearing via video today. Given this is a
12 departure from our normal practice, let me start by clarifying a few items.
13 First, our primary concern is your right to be heard. If at any time during the
14 proceeding you encounter technical difficulties that fundamentally
15 undermine your ability to adequately represent your client please let us know
16 immediately, for example by contacting the team member who provided
17 with connection information. Second, for the benefit of the judges and
18 opposing counsel, as well as the court reporter, please identify yourself when
19 you begin your argument and speak clearly into your microphone. Please do
20 not speak when others, such as the judges, are speaking. Third, we have the
21 entire record including the demonstratives. When referring to
22 demonstratives, papers or exhibits please do so clearly and explicitly by
23 slide or paper number. Please also pause a few seconds after identifying it to
24 provide us time to find it. This helps with the preparation of an accurate

1 transcript of the hearing. Finally, please mute yourself when you're not
2 speaking. Please bear in mind the purpose of the Oral Hearing is to present
3 your case based on the arguments and evidence of record. You may not
4 introduce new evidence or arguments.

5 Each party will have 60 minutes of total argument time. Petitioner
6 and Patent Owner may each reserve time for rebuttal. Petitioner will go first
7 and present its case, thereafter Patent Owner will argue its opposition and if
8 there is any rebuttal from Petitioner we will hear it after Patent Owner's
9 opposition and finally we will hear Patent Owner's surrebuttal, if requested.
10 I will endeavor to provide each party with a five minute warning during
11 opening arguments and a two minute warning during rebuttal and
12 surrebuttal. Please also note that arguments raised during rebuttal and
13 surrebuttal must be in response to arguments raised by the opposing party.
14 Neither period should be used to initiate new arguments. So, now who is
15 appearing on behalf of Petitioner?

16 MR. TODDY: Thank you, Judge Lee. This is Derrick Toddy on
17 behalf of Petitioner Microsoft Corporation.

18 JUDGE LEE: Thank you. And who is here for Patent Owner?

19 MR. STEPHENS: This is Jeffrey Stephens appearing on behalf of
20 Uniloc 2017 LLC.

21 JUDGE LEE: Okay. I just want to know if any chance counsel for
22 Ericcson is also here on the public line? I'm talking to the technical staff, I
23 wouldn't be able to hear anything coming through, is that right?

24 TECHNICAL STAFF: That would be correct, Judge.

25 JUDGE LEE: Okay. So I'm going to assume that if Ericcson's

1 counsel wanted to hear they would be on the public line.

2 TECHNICAL STAFF: Yes, probably. The public audio line is muted
3 upon entry.

4 JUDGE LEE: Okay, thank you. Now would Petitioner like to reserve
5 time for rebuttal and how much time?

6 MR. TODDY: Yes, Your Honor. We would request 20 minutes.

7 JUDGE LEE: Okay. And Patent Owner?

8 MR. STEPHENS: Yes, Judge Lee, 20 minutes as well for Patent
9 Owner.

10 JUDGE LEE: Okay. Are there any other questions you'd like to talk
11 about before we begin, counsel?

12 MR. TODDY: None for Petitioner, Your Honor.

13 MR. STEPHENS: None for Patent Owner. Thank you.

14 JUDGE LEE: Okay. Let me see. It's now 1:06 and here we go. You
15 may start any time, Mr. Toddy.

16 MR. TODDY: Thank you, Judge Lee. May it please the Board. The
17 676 patent purported to solve the problem of stations operating in
18 accordance with different radio interface standards sharing a common
19 frequency band including by using a central controller to allocate time for
20 those stations. The 676 patent acknowledges that it was known for such
21 stations to share a band and also admits that it was known to have a central
22 controller.

23 However, the 676 patent stated in its specification that with the
24 described embodiments,

25 "Different radio systems may be made compatible" and further

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