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PATENT OWNER.

HON. GEORGE HOSKINS

THE SULLIVAN GROUP OF COURT REPORTERS

APPEARANCES:

**FOR THE PETITIONER: FISH & RICHARDSON
BY: THOMAS ROZYLOWICZ
KARL RENNER
MICHAEL ZOPPO
JONATHAN DRIESSLEIN
1000 SOUTHWEST MAINE AVENUE
WASHINGTON, D.C. 20024
202-626-6395
ROZYLOWICZ@FR.COM**

**FOR THE PATENT OWNER: WHITEFORD TAYLOR PRESTON, LLP
BY: STEVEN E. TILLER
7 SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1636
(410)347-9425
STILLER@WHITEFORDLAW.COM**

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I N D E X

JULY 25, 2023

CHRONOLOGICAL AND ALPHABETICAL INDEX OF WITNESSES

NONE

EXHIBITS

NONE

1 PROCEEDINGS VIA PHONE; TUESDAY, JULY 25, 2023

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4 JUDGE IPPOLITO: GOOD AFTERNOON. THIS IS A
5 CONFERENCE CALL FOR IPR2023-00518 AND IPR2023-00519. I
6 HAVE JUDGE HOSKINS ON THE CALL WITH ME, AND I BELIEVE
7 THAT WE HAVE THE PARTIES WITH US AS WELL, BUT I ALWAYS
8 LIKE TO START WITH APPEARANCES.

9 PETITIONER, ARE YOU PRESENT?

10 MR. ROZYLOWICZ: GOOD AFTERNOON. THIS IS TOM
11 ROZYLOWICZ AND KARL RENNER.

12 JUDGE IPPOLITO: OKAY.

13 MR. ZOPPO: MICHAEL ZOPPO ON THE LINE AS WELL.

14 JUDGE IPPOLITO: ALL RIGHT. WELCOME.

15 AND I BELIEVE THAT A COURT REPORTER WAS ARRANGED
16 BY PETITIONER TO BE HERE AS WELL; IS THAT CORRECT?

17 MR. ROZYLOWICZ: YES, YOUR HONOR.

18 JUDGE IPPOLITO: OKAY. ALL RIGHT. AND ALSO FOR
19 THE COURT REPORTER, THIS IS JUDGE IPPOLITO, IN CASE YOU
20 DID NOT GET THAT IN THE BEGINNING.

21 AND, PATENT OWNER, ARE YOU PRESENT?

22 MR. TILLER: YES, JUDGE. STEVE TILLER.

23 JUDGE IPPOLITO: OKAY. WELCOME. ALL RIGHT.

24 SO BEFORE WE GET TOO FAR INTO THE REQUESTS
25 TODAY, I HAVE ONE HOUSEKEEPING MATTER THAT I'D LIKE TO

1 BRING UP, AND I KNOW THAT YOU ALL KNOW THIS ALREADY, BUT
2 I WANT TO REITERATE IT.

3 SO GENERALLY THIS IS A REMINDER. THE E-MAILS
4 ARE NOT A GREAT MEDIUM FOR SUBSTANTIVE ARGUMENTS. THIS
5 IS PRIMARILY BECAUSE, AS YOU -- AS YOU KNOW, THE E-MAILS
6 ARE NOT PART OF THE RECORD. AND SO WHEN WE HAVE A LOT OF
7 BACK AND FORTH BETWEEN THE PARTIES, IT CREATES A
8 SITUATION WHERE I -- I GENERALLY AM CONCERNED THAT THE
9 E-MAILS THEN BECOME THIS FORUM FOR -- FOR ARGUMENTS, AND
10 THEN NONE OF THAT IS IN THE RECORD.

11 SO JUST GOING FORWARD, I APPRECIATE THE FACT
12 THAT THE E-MAIL PROVIDED TIMES AND DATES FOR A CALL AND
13 AN OUTLINE OF THE REQUESTS, BUT REALLY JUST KEEP IT TO
14 THAT AND NOT HAVE A BACK AND FORTH WITH SUBSTANTIVE
15 ARGUMENTS THAT CAN BE LOST BECAUSE, WELL, YOU KNOW,
16 OUR -- OUR IT SYSTEM IS NOT ALWAYS PERFECT, AS WE CAN
17 TELL FROM SOMETIMES OUR SYSTEM GOING DOWN, AND I WOULD
18 PREFER TO HAVE ALL OF THE -- THIS DISCUSSION IN THE
19 RECORD IN BRIEFING OR IN -- IN CALLS WITH COURT REPORTERS
20 OR IN ORDERS. JUST WANTED TO REMIND EVERYBODY OF THAT.

21 AND THEN WITH THAT, I'D LIKE TO START WITH
22 PETITIONER BECAUSE I BELIEVE THIS IS YOUR REQUEST FOR
23 REPLY, SO GO AHEAD.

24 MR. ROZYLOWICZ: YES. THANK YOU, YOUR HONOR. I
25 SEE YOUR POINT ABOUT PROTOCOL AND E-MAILS. WE'LL

1 CERTAINLY BE MINDFUL OF THAT GOING FORWARD.

2 I'M JOINED TODAY BY MY COLLEAGUES KARL RENNER,
3 MICHAEL ZOPPO, JONATHAN DRIESSLEIN. AND INsofar AS MORE
4 DETAIL IS REQUESTED ABOUT THE CURRY BASED GROUNDS FOR
5 REJECTION, MY COLLEAGUE ANDREW PATRICK WILL PROVIDE
6 DETAIL AS TO THAT IPR.

7 YOUR HONOR, USAA RESPECTFULLY SUBMITS THAT THERE
8 IS GOOD CAUSE FOR PRELIMINARY REPLY BRIEFING IN THE CURRY
9 BASED GROUNDS FOR REJECTION, THAT IS IPR2023-00518, AND
10 THE PANG BASED GROUNDS FOR REJECTION, IPR2023-00519.

11 (AUDIO DISRUPTION AND REPORTER REQUEST FOR
12 CLARIFICATION.)

13 MR. ROZYLOWICZ: I'M JOINED TODAY BY MY
14 COLLEAGUES KARL RENNER, MICHAEL ZOPPO, AND JONATHAN
15 DRIESSLEIN. AND INsofar AS THERE ARE MORE DETAILED
16 QUESTIONS ABOUT THE CURRY BASED GROUNDS FOR REJECTION, MY
17 COLLEAGUE ANDREW PATRICK CAN BETTER PROVIDE DETAILS AS TO
18 THAT PARTICULAR IPR.

19 NOW, USAA RESPECTFULLY SUBMITS THAT THERE IS
20 GOOD CAUSE FOR A PRELIMINARY REPLY BRIEFING IN THE CURRY
21 BASED GROUNDS FOR REJECTION, THAT IS IPR2023-00518, AND
22 THE PANG BASED GROUNDS FOR REJECTION, IPR2023-00519, TO
23 ADDRESS CHARACTERIZATIONS OF THE PETITIONS AND EVIDENCE
24 THAT ARE UNFORESEEABLY DISTINCT FROM THE PETITIONS AND
25 EVIDENCE THEMSELVES.

1 JUST TO GIVE YOU A BETTER SENSE OF WHY WE
2 BELIEVE FURTHER BRIEFING IS WARRANTED, WE'LL TURN TO EACH
3 OF THE TWO PETITIONS. FOR EXAMPLE, WHILE THE PANG BASED
4 GROUND FOR REJECTION IN THE 00519 PETITION PREEMPTIVELY
5 ADDRESSES ASPECTS OF THE PATENT ARGUMENTS, FURTHER
6 BRIEFING IS WARRANTED TO ADDRESS THE PRELIMINARY
7 RESPONSE'S FAILURE TO ACCOUNT FOR CLAIM ELEMENTS 1.6 AND
8 1.9 INSOFAR AS THE P3 DOCUMENTS FOR THE RELIED UPON SMART
9 HOLSTER PROVIDES VEHICLE SENSOR INFORMATION TO THE
10 CONNECTED MOBILE DEVICE --

11 (AUDIO DISRUPTION AND REPORTER REQUEST FOR
12 CLARIFICATION.)

13 JUDGE IPPOLITO: OKAY. SO LET ME -- THIS IS
14 IPPOLITO.

15 MY QUESTION FOR YOU ABOUT THIS REQUEST FOR '519
16 IS, I THINK, PRETTY MUCH ONE THAT YOU -- YOU KIND OF
17 MENTIONED, WHICH IS WHAT MAKES THIS ANYTHING BEYOND WHAT
18 IS TYPICAL IN ALL -- PRETTY MUCH ALL IPR'S, THAT THERE IS
19 A PETITION, AND THE PETITION SETS OFF THE PETITIONER'S
20 ARGUMENTS AND EVIDENCE; AND THE PATENT OWNER IS GOING TO
21 PROVIDE A RESPONSE THAT PRESUMABLY IS -- IF THERE'S A
22 DISAGREEMENT IS GOING TO DISAGREE WITH THE
23 CHARACTERIZATION OF -- OF THE -- IN THIS CASE THE
24 PRIORITY CLAIM AND MAYBE THE READING OF THE CLAIMS OR THE
25 PRIOR ART, DIFFERENT FROM WHAT THE PETITIONER HAS IN THE

1 PETITION.

2 THAT SEEMS A VERY TYPICAL, GARDEN VARIETY SETUP
3 FOR WHAT WE HAVE HERE FOR OUR PROCEEDINGS. I'M NOT
4 HEARING FROM YOU SPECIFICALLY WHAT WOULD BE UNFORESEEABLE
5 THAT WOULD BE THE BASIS FOR GOOD CAUSE TO HAVE ADDITIONAL
6 BRIEFING IN THIS CASE, GIVEN THAT THIS SEEMS TO ME THE
7 TYPE OF THING THAT WE WOULD EXPECT IN A RESPONSIVE BRIEF
8 FROM A PATENT OWNER.

9 MR. ROZYLOWICZ: YES, YOUR HONOR. THANK YOU.
10 WE HAVEN'T REALLY GOTTEN TO THE UNFORESEEABLE NATURE OF
11 THIS YET, BUT RESPONDING TO YOUR QUESTION, I THINK
12 THERE'S A FEW ASPECTS MAYBE THAT MAKES THIS THE EXCEPTION
13 AS COMPARED TO WHAT YOU WOULD SEE IN OTHER CASES.

14 FIRST, YOUR HONOR, I THINK THE -- MAYBE GIVEN
15 THE NATURE OF THE COMPLEXITY AND THE NATURE OF THE
16 RELATIONSHIP BETWEEN 1.6 AND 1.9 AND THE FAILURE OF THE
17 POPR'S ABILITY TO SPEAK TO A RELATIONSHIP BETWEEN 1.6 AND
18 1.9, I THINK THE BOARD WOULD CERTAINLY BENEFIT FROM
19 ADDITIONAL BRIEFING FOR BOTH US AS THE PETITIONER AND
20 PATENT OWNER INSOFAR AS, YOU KNOW, WE SUBMIT THAT IT
21 ACTUALLY READS LIMITATIONS OUT OF THE CLAIMS.

22 AGAIN, THE POPR IS SIMPLY A VOID IN THIS
23 PARTICULAR TOPIC; AND WE THINK AS A RESULT OF THE VOID
24 AND, CANDIDLY, THE UNDERLYING COMPLEXITY, THE BOARD WOULD
25 BENEFIT FROM -- IN THIS PARTICULAR PROCEEDING AND THE

1 OTHER IPR'S AS WELL THAT ARE RELATED TO THIS PARTICULAR
2 GROUNDS FOR REJECTION.

3 JUDGE IPPOLITO: LET ME STOP YOU THERE AND ASK A
4 QUESTION. I SUPPOSE THAT I WANT TO KNOW WHAT THE SCOPE
5 IS YOU WANT TO HAVE IN YOUR -- IN YOUR REPLY -- YOUR
6 REPLY THAT YOU'RE REQUESTING.

7 IN PARTICULAR YOU'VE MENTIONED THAT THERE ARE
8 THESE SPECIFIC LIMITATIONS, 1.6 AND 1.9.

9 ARE YOU -- ARE YOU SAYING THAT YOU WOULD LIKE
10 THE REPLY TO ADDRESS CLAIM CONSTRUCTION ISSUES? OR --
11 WHICH IS MY UNDERSTANDING OF WHAT YOUR REQUEST IS -- THAT
12 YOU JUST WANT TO POINT OUT THAT YOU DISAGREE WITH THE
13 PATENT OWNER'S PRESENTATION OF 1.9 WITHOUT GIVING ENOUGH
14 ATTENTION TO 1.6?

15 MR. ROZYLOWICZ: YOUR HONOR, I THINK INSOFAR AS
16 -- I THINK CERTAINLY THOSE ISSUES ARE CLOSELY RELATED TO
17 ONE ANOTHER. I THINK INSOFAR AS YOU'RE -- YOU'RE READING
18 LIMITATIONS OUT OF THE CLAIMS, I THINK IT CERTAINLY DOES
19 HAVE IMPLICATIONS FOR -- FOR CLAIM CONSTRUCTION AS WELL.
20 I --

21 JUDGE IPPOLITO: WELL, I GUESS I'M STILL TRYING
22 TO UNDERSTAND WHAT YOU WANT IN A REPLY. YOU ASKED FOR
23 FIVE PAGES.

24 SO WHAT -- WHAT'S GOING TO BE IN THOSE FIVE
25 PAGES?

1 MR. ROZYLOWICZ: YOUR HONOR, I -- I THINK
2 FIRSTLY, WE'D SPEAK TO THE -- THE VOID AT THIS POINT AND
3 IN PARTICULAR ADDRESS THE POPR'S INABILITY TO ADDRESS THE
4 RELATIONSHIP BETWEEN 1.6 AND 1.9. I THINK THAT -- I
5 THINK THAT IS A -- A CLAIM CONSTRUCTION ISSUE.

6 JUDGE IPPOLITO: OKAY. SO WHAT -- WHAT
7 SPECIFICALLY ABOUT THAT IS A CLAIM CONSTRUCTION ISSUE?

8 I MEAN, AND THAT IS -- WOULD BE SOMETHING THAT
9 IS NOT IN THE PETITION; IS THAT CORRECT? OR YOU'VE
10 ALREADY ADDRESSED 1.9 AND 1.6 IN THE PETITION?

11 MR. ROZYLOWICZ: YOUR HONOR, WE HAVEN'T
12 ADDRESSED THEM, BUT I RESPECTFULLY SUBMIT THAT THE POPR
13 DOES NOT ADDRESS THE RELATIONSHIP BETWEEN 1.6 AND 1.9.

14 JUDGE IPPOLITO: OKAY. ALL RIGHT. I THINK I
15 HAVE A GOOD UNDERSTANDING OF WHAT YOU'D LIKE TO HAVE IN
16 THE REPLY.

17 AND I WANT TO STOP HERE AND JUST FOCUS ON '519,
18 AND THEN WE CAN DO '518 NEXT. BUT LET'S DO '519 FIRST.

19 PATENT OWNER, DO YOU HAVE A RESPONSE?

20 MR. TILLER: YES, YOUR HONOR. I -- I AGREE WITH
21 YOUR INITIAL ANALYSIS THAT THIS IS A GARDEN VARIETY SETUP
22 FOR VIRTUALLY ALL IPR PETITION REQUESTS. THERE'S NOTHING
23 UNFORESEEABLE HERE.

24 THE PETITIONER ARGUED THAT THE PRIOR ART
25 APPLICATION, THE PROVISIONAL APPLICATION ON WHICH WE ARE

1 RELYING, WHICH THEY CALL P3, DIDN'T TEACH THE CLAIM
2 ELEMENTS 1.6 AND THEN SEPARATELY 1.9. THEY MADE THOSE
3 ARGUMENTS. WE OBVIOUSLY RESPONDED. IN FACT, IT WAS
4 PRETTY MUCH THE ENTIRETY OF THE POPR THAT WE FILED IN
5 '519.

6 P3, THE PROVISIONAL APPLICATION, WAS AVAILABLE
7 TO THEM. THEY HAD THE OPPORTUNITY TO MAKE THEIR
8 ARGUMENTS THAT IT DIDN'T PROVIDE THE REQUISITE SUPPORT,
9 AND THEREFORE PANG IS, IN FACT, PRIOR ART. WE OBVIOUSLY
10 DISAGREE WITH THAT. WE MADE OUR ARGUMENTS IN THAT
11 REGARD. THAT SHOULD BE IT.

12 I WOULD NOTE, TOO, YOUR HONOR, THAT THIS KIND OF
13 FEELS LIKE A REQUEST FOR AN INCREASE IN THE WORD -- IN
14 THE WORD LIMITATION REQUIREMENTS OF THE PETITION IN THE
15 FIRST PLACE. THEIR -- THEIR PETITION FOR '519 HAD
16 13,956 WORDS; SO THEY WERE, YOU KNOW, 44 WORDS SHY OF THE
17 14,000 LIMIT. NOW THEY'RE ASKING FOR ESSENTIALLY ANOTHER
18 WHATEVER FIVE PAGES IS, ANOTHER THOUSAND WORDS OR SO.

19 IT FEELS LIKE THEY'RE JUST ASKING FOR ANOTHER
20 BITE AT THE APPLE BECAUSE THEY DIDN'T PUT IN THEIR
21 PETITION SOMETHING THAT THEY COULD HAVE EASILY HAVE
22 FORESEEN, AND NOW SOMETHING --

23 JUDGE IPPOLITO: LET ME STOP YOU.

24 MR. TILLER: -- THAT THEY JUST DISAGREE -- YES.
25 I'M SORRY.

1 JUDGE IPPOLITO: YEAH. LET ME STOP YOU THERE.
2 DO YOU AT ALL SEE A CLAIM CONSTRUCTION ISSUE
3 HERE, WHICH IS WHAT I THINK PETITIONER NOW SAYS IS
4 POTENTIALLY AN ISSUE?

5 AND I WANT TO ASK YOU THIS BECAUSE IF THERE'S A
6 CLAIM CONSTRUCTION ISSUE THAT IS -- THAT IS ARISEN FROM
7 THE EXCHANGE OF THE TWO OPENING BRIEFS, I'D LIKE TO KNOW
8 NOW. AND, YOU KNOW, THERE'S AN OPPORTUNITY TO DO
9 SUPPLEMENTAL BRIEFING OF A REPLY AND A SUR-REPLY. SO I
10 WANT TO GIVE YOU ALSO THE OPPORTUNITY TO ADDRESS A CLAIM
11 CONSTRUCTION ISSUE POTENTIALLY IF YOU SEE THAT THERE IS
12 ONE.

13 MR. TILLER: I MEAN, OBVIOUSLY AT THIS POINT,
14 YOUR HONOR, I DON'T KNOW EXACTLY WHAT PETITIONER EXPECTS
15 TO ARGUE IN ITS REPLY, BUT I DO NOT SEE A CLAIM
16 CONSTRUCTION ISSUE. IF YOUR HONOR -- WELL, YOUR HONOR
17 MAY NOT KNOW THIS.

18 THERE'S A -- THERE'S A SEPARATE LITIGATION GOING
19 ON. THERE WAS CLAIM CONSTRUCTION IN THAT CASE. THE
20 PARTIES HAD THEIR OPPORTUNITY TO BRIEF CLAIM CONSTRUCTION
21 THERE. THEY HAVEN'T RAISED CLAIM CONSTRUCTION IN THEIR
22 PETITION.

23 HAD THEY THOUGHT THAT THIS WAS A CLAIM
24 CONSTRUCTION ISSUE, AND REMEMBERING IT WAS -- THEY WERE
25 THE ONES WHO BROUGHT UP THE ARGUMENT THAT THE PRIOR --

1 THE P3 REFERENCE OR THE P3 APPLICATION DID NOT GIVE
2 ADEQUATE SUPPORT FOR WHAT THEY DEEM TO BE CLAIM
3 LIMITATIONS 1.6 AND 1.9. IT WAS THEM, THE PETITIONER,
4 WHO BROUGHT UP THAT ARGUMENT. NOW IT FEELS LIKE THEY
5 JUST DON'T LIKE THE FACT THAT WE BROUGHT UP SOME
6 ARGUMENTS IN RESPONSE.

7 WE DIDN'T ARGUE ANYTHING OUTSIDE OF P3. WE JUST
8 SAID, "HEY, P3 SUPPORTS THE ULTIMATE -- THE PATENT AT
9 ISSUE HERE." THAT SHOULDN'T HAVE BEEN A SURPRISE. THEY
10 HAD REASONABLE OPPORTUNITY. THEY HAD ALL THE OPPORTUNITY
11 IN THE WORLD TO ADDRESS THIS ISSUE, BUT THEY REALLY JUST
12 DON'T LIKE THE FACT THAT WE CAME UP WITH WHAT I -- I'M
13 GOING TO GUESS THEY ARE CONCERNED WITH AS GOOD ARGUMENTS.
14 THAT'S NOT ENOUGH --

15 JUDGE IPPOLITO: OKAY. ALL RIGHT. I THINK I
16 UNDERSTAND YOUR POSITION, WHICH IS THE OPPOSITE OF
17 PETITIONER'S --

18 MR. TILLER: YEAH.

19 JUDGE IPPOLITO: -- UNSURPRISING -- BUT ALSO
20 THAT THERE ISN'T, AS YOU SEE, A CLAIM CONSTRUCTION ISSUE
21 THAT NEEDS TO BE ADDRESSED AT THIS PRELIMINARY STAGE; IS
22 THAT CORRECT?

23 MR. TILLER: RIGHT.

24 JUDGE IPPOLITO: OKAY. ALL RIGHT. PETITIONER,
25 I'M GOING TO HAND IT BACK TO YOU TO RESPOND.

1 MR. ROZYLOWICZ: THANK YOU, YOUR HONOR.

2 I RESPECTFULLY SUBMIT THAT THE POPR'S ARGUMENTS
3 ARE EITHER UNFORESEEABLY INCONSISTENT WITH THE DISCLOSURE
4 OR THE PLAIN LANGUAGE OF THE CLAIM THEMSELVES -- CLAIM
5 LANGUAGE THEMSELVES, WHICH REQUIRES DRIVING INFORMATION
6 TO BE DERIVED WITHOUT DATA FROM VEHICLE SENSORS.

7 I MEAN, YOUR HONOR, THEY GO TO GREAT LENGTH
8 WALKING YOU THROUGH HOW THEY BELIEVE SUPPORT -- WHAT IS
9 MEANT BY THIS; BUT THEN LITERALLY, IF I'M NOT MISTAKEN,
10 TWO OR THREE PAGES LATER, THEY THEN TURN TO A DISCUSSION
11 OF A SMART HOLSTER WHICH, IN FACT, PROVIDES AND ROUTES
12 DRIVING OR SENSOR INFORMATION TO THE SMART DEVICE ITSELF.

13 YOUR HONOR, I THINK IN THIS MANNER, WE
14 RESPECTFULLY SUBMIT THEY ARE READING A NEGATIVE
15 LIMITATION OUT OF THE CLAIMS THEMSELVES, WHICH IS
16 COMPLETELY UNFORESEEABLE ON OUR PART. AND THAT'S WHY I
17 BELIEVE WARRANT -- BRIEFING IS WARRANTED, JUST TO ADDRESS
18 THIS LEVEL OF COMPLEXITY.

19 JUDGE IPPOLITO: OKAY. SO WHAT I'M HEARING FROM
20 YOU, PETITIONER, IS THAT YOU JUST THINK THAT THE -- WELL,
21 NOT "JUST." I'LL SAY YOUR POSITION IS THAT THE -- THE
22 POPR'S TREATMENT OF THESE TWO LIMITATIONS AND ALSO THEIR
23 ARGUMENTS PRESENTED ARE ESSENTIALLY NOT PERSUASIVE AND
24 ARE PROBLEMATIC. AND -- AND I THINK AT THIS POINT, I
25 THINK YOU'VE MADE THAT POSITION CLEAR.

1 I'M STILL STRUGGLING A BIT TO UNDERSTAND WHY WE
2 WOULD NEED ADDITIONAL BRIEFING ON THAT POINT IF WHAT IT
3 WILL COME DOWN TO IS THE PANEL REVIEWING BOTH BRIEFS, THE
4 EVIDENCE, AND ARGUMENTS PRESENTED, AND DETERMINING IF THE
5 PETITION HAS ENOUGH TO GET OVER THAT FIRST THRESHOLD
6 BURDEN.

7 MR. ROZYLOWICZ: OKAY. YOUR HONOR, I -- I'M
8 SORRY, YOUR HONOR. I -- I THINK YOU'RE IN COMMAND OF HOW
9 WE'VE, YOU KNOW, CHOSEN TO TRY AND RAISE THIS ISSUE OF
10 CONCERN, PARTICULARLY BECAUSE, AGAIN, WE RESPECTFULLY
11 SUBMIT THAT IT SIMPLY GOES -- IT'S UNFORESEEABLE TO GO
12 THIS MUCH BEYOND A RECORD INSOFAR AS READING LIMITATIONS
13 OUT OF -- OUT OF THE CLAIM ITSELF.

14 I ACTUALLY THINK -- IN TERMS OF, YOU KNOW, THE
15 OVERALL NATURE OF WHY WE'RE REQUESTING BRIEFING, I THINK
16 THE -- THE CURRY BASED GROUNDS FOR REJECTION HAS SOME
17 BETTER EXAMPLES.

18 BUT I'LL PAUSE AND SEE IF THERE'S ANY QUESTIONS
19 OR COMMENTS.

20 JUDGE IPPOLITO: YEAH. AND I -- AND I THINK
21 PART OF THE -- OF MY HESITATION IS THAT THERE WAS ALSO
22 A -- I WOULDN'T SAY A REQUEST, BUT THERE WAS ALSO A --
23 SORT OF AN OPEN DIALOGUE ABOUT POSSIBLY PUSHING DATES IN
24 OTHER CASES IN ORDER TO ACCOMMODATE THE BRIEFING THAT
25 WOULD OCCUR HERE. AND I KNOW THAT WASN'T A FORMAL

1 REQUEST IN THE E-MAIL EXCHANGE; HOWEVER, YOU KNOW, IF
2 THAT IS ON THE TABLE, TOO, WHERE IF WE HAVE ADDITIONAL
3 BRIEFING HERE AND IT PUSHES ALL OF OUR DATES IN THESE
4 OTHER -- I THINK IT'S SEVEN -- NO, SIX OTHER CASES BY MY
5 COUNT THAT I'M ON THE PANEL FOR, THEN --

6 MR. ROZYLOWICZ: I THINK IT'S EIGHT.

7 JUDGE IPPOLITO: THERE ARE PROBABLY MORE.

8 YOU KNOW, SO GIVEN THAT THAT IS SORT OF THE --
9 THE CONSEQUENCE OF HAVING AN ADDITIONAL FIVE -- OR FIVE
10 AND FIVE -- TEN PAGES COMING IN, I JUST WANT TO MAKE SURE
11 THAT I REALLY HAVE A GOOD SENSE OF WHY WE NEED THE GOOD
12 CAUSE HERE BECAUSE IT IS GOING TO, YOU KNOW, POTENTIALLY
13 AFFECT MANY THINGS, NOT JUST THESE TWO CASES, BUT THIS
14 WHOLE FAMILY OF CASES.

15 AND RIGHT NOW WHAT I'M HEARING IS THAT THERE'S
16 NOT A CLAIM CONSTRUCTION ISSUE THAT WAS PRESENTED IN THE
17 PETITION. PRIMARILY PETITIONER HAS POINTED OUT SOME --
18 WHAT THEY WOULD CONSIDER TO BE DEFECTS OR
19 MISCHARACTERIZATIONS THAT ARE IN THE -- THE POPR. PATENT
20 OWNER OBVIOUSLY DISAGREES WITH THAT.

21 BUT IS IT -- IS IT SOMETHING THAT WAS
22 UNFORESEEABLE? AND DO WE NEED TO HAVE ADDITIONAL
23 BRIEFING ON THAT? AND I'M NOT HEARING FROM YOU,
24 PETITIONER, THAT BEYOND RAISING THIS ISSUE TO OUR
25 ATTENTION, THAT YOU -- YOU NEED THOSE FIVE PAGES TO

1 EXPLAIN IT FURTHER.

2 BUT, YOU KNOW, LET ME KNOW IF THAT'S NOT
3 CORRECT.

4 MR. ROZYLOWICZ: YOUR HONOR, COUPLE THINGS. YOU
5 KNOW, UNDERSTANDING THAT WE'RE -- WE CERTAINLY DON'T WANT
6 TO IMPACT THE BOARD'S ABILITY TO ISSUE AN ID. I THINK WE
7 COULD DO SO QUICKER. I THINK WE COULD DO SO IN TWO DAYS
8 IF WARRANTED. I THINK WE COULD DO SO IN -- IN FEWER
9 PAGES. I THINK WE COULD DO SO IN THREE PAGES.

10 YOUR HONOR, AGAIN, WE JUST THINK INSOFAR AS
11 WE'RE -- YOU KNOW, WE BELIEVE THAT A CLAIM LIMITATION IS
12 BEING READ OUT OF THE CLAIMS ALTOGETHER, WE THINK, AGAIN,
13 IN A COMPRESSED TIME FRAME, EVEN AS SHORT AS TWO DAYS,
14 EVEN AS LITTLE BRIEFING AS THREE PAGES, WE THINK IT
15 CERTAINLY WOULD BENEFIT THIS PROCEEDING TREMENDOUSLY AND
16 ALL THE OTHER PROCEEDINGS AS WELL, INSOFAR AS PANG IS THE
17 ANCHOR REFERENCE IN THOSE GROUNDS FOR REJECTION.

18 JUDGE IPPOLITO: OKAY. I UNDERSTAND.

19 PATENT OWNER, I'M GOING TO -- I'M JUST GOING TO
20 GIVE YOU AN OPPORTUNITY TO RESPOND BEFORE WE MOVE ON TO
21 '518. I DON'T KNOW IF YOU HAVE ANYTHING ELSE TO ADD, BUT
22 THIS IS YOUR CHANCE BEFORE I MOVE ON TO THE NEXT CASE.

23 MR. TILLER: THANK YOU, YOUR HONOR. I MEAN,
24 OBVIOUSLY THE GOOD CAUSE STANDARD HAS TO BE MET
25 REGARDLESS OF WHETHER IT'S TWO PAGES OR FIVE PAGES OR ANY

1 NUMBER OF PAGES. I DON'T THINK THEY MET THE GOOD CAUSE
2 STANDARD. I DON'T THINK ADDITIONAL BRIEFING IS NECESSARY
3 HERE.

4 AND AS YOU, I THINK, CORRECTLY POINTED OUT, ANY
5 AMOUNT OF TIME -- AND I WOULD NOT BE ABLE TO RESPOND TO
6 THEM IN TWO DAYS, AS YOU MIGHT IMAGINE. I'M NOT SURE
7 EXACTLY WHAT THEY'RE GOING TO SAY, BUT I ULTIMATELY
8 BELIEVE THAT THE GOOD CAUSE STANDARD HAS NOT BEEN MET.

9 JUDGE IPPOLITO: OKAY. THANK YOU FOR THAT.

10 AND THEN I WILL NOW HAND IT BACK TO PETITIONER
11 TO TALK ABOUT '518 BEFORE I CONFER WITH MY PANEL MEMBER.

12 SO '518, PETITIONER. GO AHEAD.

13 MR. ROZYLOWICZ: WITH THAT, YOUR HONOR, I'LL ASK
14 MY COLLEAGUE ANDREW PATRICK TO SPEAK TO THE '518 IPR.

15 MR. PATRICK: THANK YOU, TOM. AND THANK YOU,
16 YOUR HONOR.

17 WITH RESPECT TO '518, WE RESPECTFULLY SUBMIT
18 THAT THERE IS GOOD CAUSE FOR PRELIMINARY REPLY BRIEFING
19 AT LEAST BECAUSE THE PRELIMINARY RESPONSE ARGUMENTS,
20 RATHER THAN CONTESTING THE PETITIONER'S ARGUMENTS AND THE
21 RECORD EVIDENCE, ARE INSTEAD DIRECTED TO
22 CHARACTERIZATIONS OF THE PETITION AND EVIDENCE THAT WERE
23 UNFORESEEABLY DISTINCT FROM THE PETITION AND EVIDENCE
24 THEMSELVES.

25 AND I WANT TO BE MINDFUL OF COURSE OF THE FACT

1 **THAT WE ARE NOT HERE BRIEFING THESE ISSUES, BUT I COULD**
2 **GIVE YOU SPECIFIC EXAMPLES AND THEN SPEAK A LITTLE BIT**
3 **MORE AS TO WHY WE THINK THERE'S GOOD CAUSE.**

4 **WITH RESPECT TO THE '518 PETITION THAT ADVANCES**
5 **CURRY BASED GROUNDS, THE PRELIMINARY RESPONSE DISREGARDS**
6 **THE ARGUMENTS AND THE RELATED DISCLOSURE OF THE PRIOR**
7 **ART, FOR EXAMPLE, WHEN ASSERTING THAT, QUOTE, "EVEN IF**
8 **PETITIONER ARGUES THAT THE START OF THE DRIVING PERIOD**
9 **COULD BE TRIGGERED BY A PHONE CALL, THIS STILL WOULD NOT**
10 **DISCLOSE THE CLAIM CONVENTION. ITS CLAIM 1 REQUIRES THAT**
11 **THE START OF THE DRIVING PERIOD BE BASED ON INPUTS**
12 **RECEIVED AND SENSOR DATA," END QUOTE.**

13 **NOTABLY, HOWEVER, THE PETITION EXPLAINS THROUGH**
14 **SEVERAL EXAMPLES THAT WE COULD HIGHLIGHT, IF BRIEFING**
15 **WERE GRANTED, THAT A PERSON OF SKILL WOULD HAVE BEEN**
16 **AMPLEY MOTIVATED TO ENHANCE CURRY'S DESCRIPTION OF**
17 **DETERMINING, BASED ON CALL-RELATED USER INPUTS AND PHONE**
18 **ACCELEROMETER DATA, THE START OF A DRIVING PERIOD DURING**
19 **WHICH THE PHONE WAS IN USE BASED ON RABU'S FURTHER**
20 **EXPRESSED DESCRIPTION OF DETERMINING, AGAIN, BASED ON**
21 **PHONE ACCELEROMETER DATA WHETHER THE PHONE WAS OR WAS NOT**
22 **DOCKED WITHIN THE VEHICLE DURING A GIVEN DRIVING PERIOD.**

23 **NOW, GIVEN THE EXPRESS DISCLOSURE OF THESE**
24 **REFERENCES AND THE MAPPINGS THAT WERE PROVIDED AT LENGTH**
25 **WITHIN THE PETITION, WE BELIEVE THAT THERE REALLY IS**

1 CLARITY ALREADY AS TO HOW THESE CLAIMS ARE RENDERED
2 OBVIOUS.

3 HOWEVER, WHAT WE THINK IS POTENTIALLY A CAUSE
4 FOR CONFUSION IS THE NATURE OF THE ARGUMENTS THAT WERE
5 ADVANCED IN THE PRELIMINARY RESPONSE. AND IN THAT
6 REGARD, ALTHOUGH WE CERTAINLY AGREE THAT IDENTIFYING AND
7 EVALUATING STATEMENTS OR MISSTATEMENTS OF FACTS ARE WELL
8 WITHIN THE PURVIEW OF THIS PANEL, THERE ARE ALSO NUMEROUS
9 BOARD CASES THAT SUPPORT THAT GOOD CAUSE EXISTS FOR
10 FURTHER BRIEFING, AT LEAST INSOFAR AS BRIEFING COULD AID
11 THE BOARD IN DELIBERATIONS ON ISSUES THAT ARE POTENTIALLY
12 DISPOSITIVE TO THE INSTITUTION.

13 AND AS AN EXAMPLE OF THAT, WE WOULD POINT TO
14 PGR2019-0063, THE SIMPSON STRONG-TIE V. COLUMBIA
15 INSURANCE CASE. AND THERE THE BOARD AUTHORIZED
16 BRIEFING --

17 (AUDIO DISRUPTION AND REPORTER REQUEST FOR
18 CLARIFICATION.)

19 MR. PATRICK: RIGHT. I'LL PARAPHRASE.

20 THE BOARD THERE AUTHORIZED BRIEFING, AND THE
21 BRIEFING IS AUTHORIZED BASED IN PART ON THE PANEL'S
22 DETERMINATION THAT THE TECHNICAL NATURE OF STATEMENTS
23 THAT ARE IN DISPUTE BEG FOR FURTHER DEVELOPMENT OF
24 RELATED -- THE RELEVANT FACTS. AND IN DOING SO, THE
25 BOARD NOTED THAT ANY CONCERN ABOUT PATENT OWNER BEING

1 PREJUDICED BY A REPLY WAS MITIGATED BY AUTHORIZING THEM
2 TO FILE A SUR-REPLY.

3 SIMILAR IN THIS CASE, AND AS MY COLLEAGUE TOM
4 ROZYLOWICZ WAS SAYING, WE REQUESTED IN OUR E-MAIL FIVE
5 BUSINESS DAYS FROM AUTHORIZATION TO FILE ANY BRIEFING IF
6 FOUND POTENTIALLY HELPFUL BY YOUR HONORS. AND WE WOULD
7 BE ABLE, WE BELIEVE, TO SHORTEN THAT PERIOD IF TIMING WAS
8 A CONCERN WITHOUT A CORRESPONDING DECREASE IN THE
9 FIVE-BUSINESS-DAY PERIOD FOR PATENT OWNER.

10 AND FURTHER, WITH RESPECT TO THE -- THE OFFER IN
11 OUR E-MAIL OF POTENTIALLY EXTENDING DEADLINES, WE DON'T
12 THINK THAT'S ACTUALLY NECESSARY. WE JUST WANTED TO
13 SIGNAL THAT WE WERE AMENABLE TO IT, YOU KNOW, IF DESIRED
14 AND FOUND APPROPRIATE FOR THE BOARD.

15 AND AS TO THE RELATED CASES, YOUR HONORS ARE
16 CERTAINLY CORRECT. THERE ARE A LARGE NUMBER OF MATTERS
17 FLOWING OUT OF PATENT OWNER'S ASSERTION OF A LARGE NUMBER
18 OF PATENTS. AND WHAT WE BELIEVE TO BE THE CASE HERE IS
19 THAT BRIEFING AS TO THESE TWO PETITIONS IN PARTICULAR
20 COULD CLARIFY ISSUES MOVING FORWARD IN A MANNER THAT
21 WOULD BE HELPFUL TO THE BOARD AND TO THE PARTIES, AT
22 LEAST INSOFAR AS THERE ARE LIKE ISSUES IN COMMON
23 THROUGHOUT THESE IPR'S WHICH, AFTER ALL, APPLY SIMILAR --
24 ARE ACTUALLY IN SOME CASES SIMILAR OR IN SOME CASES SOME
25 ADDITIONAL ART AS WELL, BUT AT LEAST INSOFAR AS THE IPR'S

1 TREAT HIGHLY SIMILAR ISSUES.

2 JUDGE IPPOLITO: OKAY. LET ME ASK YOU A
3 QUESTION.

4 SO SOUNDS LIKE THE SUBJECT MATTER OF -- OF THE
5 REPLY YOU'RE PROPOSING IN THIS CASE WOULD ADDRESS HOW THE
6 PATENT OWNER HAS CHARACTERIZED THE PRIOR ART AND THE
7 MOTIVATIONS -- MOTIVATIONS IN MIND PRESENTED IN THE
8 PETITION?

9 MR. PATRICK: YES, YOUR HONOR. YOU'RE CORRECT.
10 BUT THE REPLY IN THIS CASE -- IT WOULD BE DIRECTED
11 TOWARDS THE CHARACTERIZATIONS BY THE PATENT OWNER OF THE
12 PRIOR ART AS WELL AS MOTIVATIONS FOR COMBINATION. AND
13 FOR THE PRIOR ART, WE THINK IT COULD BE HELPFUL TO YOUR
14 HONORS TO POINT TO THE SPECIFIC PORTIONS IN THE PETITION
15 AND RELATED EVIDENCE THAT ARE RELEVANT AND THAT
16 DEMONSTRATE OBVIOUSNESS JUST TO SHOW, AGAIN, THE
17 ARGUMENTS AND THINGS THAT WERE ACTUALLY ADVANCED AS
18 OPPOSED TO THE ARGUMENTS THAT THE POPR SEEMS TO BE
19 FOCUSED ON THAT WEREN'T PART OF THE PETITION.

20 AND THEN AS TO THE COMBINATION ISSUES -- AND I
21 APPRECIATE YOUR HONOR RAISING THAT -- THE -- THE ISSUE
22 THERE IS THAT PATENT OWNER SUGGESTED THAT THERE WERE NO
23 RATIONAL MOTIVATIONS ADVANCED IN THE PETITION, FOR
24 EXAMPLE, FOR THE COMBINATION OF CURRY AND RABU, AND
25 YET -- AND ON THAT BASIS, THEY ALLEGE THAT THERE IS

1 IMPERMISSIBLE HINDSIGHT. AND YET THE PETITION ACTUALLY
2 WEIGHS OUT AND ENUMERATED AT LEAST FIVE -- ONE, TWO,
3 THREE, FOUR, FIVE -- MOTIVATIONS FOR THE COMBINATION OF
4 CURRY WITH RABU. AND I'D BE HAPPY TO TALK ABOUT THAT.

5 I WANT TO BE MINDFUL, AGAIN, OF THE FACT THIS
6 CALL IS NOT MEANT TO BE AN OPPORTUNITY FOR BRIEFING. BUT
7 WE THINK THAT THE BRIEF COULD HIGHLIGHT THOSE PORTIONS AS
8 WELL.

9 AND IN RELATION TO THE ALLEGATION OF THE
10 HINDSIGHT, YOU KNOW, HAVING LAID OUT THE MOTIVATIONS,
11 IT'S CERTAINLY THE CASE THERE ARE -- THERE ARE CASES
12 GOING BACK TO MCLAUGHLIN, DEMBICZAK, NUVASIVE, ETC., JUST
13 SHOWING THAT, YOU KNOW, ALTHOUGH ANY JUDGMENT ON
14 OBVIOUSNESS IS IN A SENSE NECESSARILY A RECONSTRUCTION
15 BASED ON HINDSIGHT, SO LONG AS IT TAKES INTO ACCOUNT ONLY
16 KNOWLEDGE THAT WAS WITHIN THE LEVEL OF ORDINARY SKILL IN
17 THE ART AND DOES NOT INCLUDE KNOWLEDGE CLAIMED ONLY FROM
18 APPLICANT'S DISCLOSURE, THAT IS PROPER; AND THAT, IN
19 FACT, THE BEST DEFENSE AGAINST HINDSIGHT-BASED
20 OBVIOUSNESS ANALYSIS IS RIGOROUS APPLICATION OF THE
21 REQUIREMENT FOR SHOWING OF A TEACHING OR MOTIVATION TO
22 COMBINE PRIOR ART REFERENCES. AND HERE WE HAVE NUMEROUS
23 SHOWINGS OF TEACHINGS AND MOTIVATIONS TO COMBINE THAT WE
24 WOULD BE HIGHLIGHTING IF BRIEFING WERE GRANTED.

25 JUDGE IPPOLITO: OKAY. WELL, I GUESS THE -- I

1 DON'T WANT TO BELABOR THE POINT.

2 BUT ONE QUESTION I HAVE IS ISN'T THIS ALL VERY
3 FORESEEABLE THAT THE PATENT OWNER IS GOING TO DISAGREE
4 WITH EVERYTHING YOU'VE PUT -- OR WITH CERTAIN THINGS
5 YOU'VE PUT INTO THE PETITION LIKE THE -- YOUR READING OF
6 THE PRIOR ART AS WELL AS THE RATIONALE UNDERLYING THE
7 REASON FOR THE COMBINATION? ISN'T THAT WHAT WOULD BE
8 EXPECTED IN A RESPONSIVE BRIEF TO THE PETITION?

9 MR. PATRICK: THANK YOU FOR YOUR QUESTION, YOUR
10 HONOR.

11 CERTAINLY IT'S FORESEEABLE THAT THE PATENT OWNER
12 WOULD DISAGREE WITH ARGUMENTS THAT WERE ADVANCED IN THE
13 PETITION. HERE WHAT'S UNFORESEEABLE IS THAT THE POPR
14 FOCUSED SO MUCH ACTUALLY ON ARGUMENTS THAT AREN'T EVEN
15 RAISED. AND IN THAT REGARD, WE THINK IT'S UNFORESEEABLE
16 THAT THEY WOULD HAVE CHARACTERIZED THE PETITION
17 DIFFERENTLY FROM WHAT THE PETITION ACTUALLY SAYS FOR THE
18 PURPOSES OF KNOCKING DOWN THOSE ARGUMENTS AS OPPOSED TO
19 ACTUALLY ADDRESSING WHAT WAS IN THE PETITION AND THE
20 RELATED EVIDENCE.

21 AND WE THINK THAT, THAT BEING THE CASE, IT COULD
22 BENEFIT YOUR HONORS TO HAVE ADDITIONAL BRIEFING THAT
23 WOULD HIGHLIGHT THE PORTIONS OF THE RECORD, THE PETITION,
24 THE EVIDENCE THAT -- THAT ALREADY MADE CLEAR THE
25 OBVIOUSNESS OF THESE CLAIMS, AND WE WANTED TO OFFER THAT

1 TO YOU.

2 CERTAINLY THERE HAVE BEEN CASES, THE ONE I
3 MENTIONED, THE STRONG-TIE, OTHERS AS WELL, INCLUDING
4 NEUROCRINE BIOSCIENCES THAT WAS AT PGR2022-0025, WHERE IT
5 WAS FOUND APPROPRIATE AND THAT THERE WAS GOOD CAUSE FOR
6 BRIEFING BASED ON ALLEGATIONS OF MISCHARACTERIZATION.

7 BUT WE BELIEVE IT'S IN YOUR PURVIEW TO EVALUATE
8 STATEMENTS AND MISSTATEMENTS OF FACTS.

9 JUDGE IPPOLITO: OKAY. THANK YOU.

10 PATENT OWNER, DO YOU HAVE A RESPONSE?

11 MR. TILLER: YES, YOUR HONOR. THANK YOU.

12 I WANT TO NOTE COUNSEL USED THE TERM
13 "HIGHLIGHTING" I THINK ON FOUR -- FOUR OCCASIONS DURING
14 HIS ARGUMENT. ESSENTIALLY WHAT THEY WANT TO DO, IT
15 SOUNDS LIKE, IS JUST REITERATE POINTS OR, AS HE SAID,
16 HIGHLIGHT POINTS THAT WERE ALREADY IN THE PETITION.

17 HE POINTS TO THE -- THE POPR'S ALLEGED
18 MISCHARACTERIZATIONS OF THE PRIOR ART AND THE MOTIVATIONS
19 PRESENTED FOR COMBINING, AND HE SAID THAT THE PETITION
20 ACTUALLY IDENTIFIED FIVE MOTIVATIONS, FIVE DIFFERENT
21 BASES AND MOTIVATIONS FOR COMBINING THE PRIOR ART.

22 IT'S ALREADY IN THEIR PETITION. THEY WANT TO GO
23 BACK AND HIGHLIGHT THOSE POINTS BECAUSE THE PATENT
24 OVER -- THE PATENT OWNER IDENTIFIED FUNDAMENTAL FAILURES
25 IN THOSE PROPOSED MOTIVATIONS FOR COMBINATION. THEY WANT

1 A SECOND BITE AT THE APPLE IS WHAT'S GOING ON HERE. AND
2 THAT'S NOT A BASIS FOR GOOD CAUSE.

3 AS YOUR HONORS KNOW WAY BETTER THAN ME, A PATENT
4 OWNER'S ARGUMENT AGAINST A FINDING OF OBVIOUSNESS
5 OFTENTIMES, IN FACT, PROBABLY A MAJORITY OF THE TIME,
6 FOCUSES ON A LACK OF MOTIVATION FOR COMBINING PRIOR ART.
7 THAT'S SOMETHING THAT COMES UP ALL THE TIME IN IPR
8 PETITIONS. WE RAISED THAT ISSUE. THEY OBVIOUSLY HAVE A
9 DIFFERENT PERSPECTIVE.

10 I THINK THE BOARD IS WELL WITHIN ITS PURVIEW TO
11 LOOK AT BOTH THE PETITION AND THE PRELIMINARY RESPONSE
12 AND MAKE A DECISION AS TO WHETHER THE STANDARD HAS BEEN
13 MET FOR INITIATION. THEY SHOULDN'T GET YET ANOTHER BITE
14 AT THE APPLE. AGAIN, ALL IT SOUNDS LIKE THEY WANT TO DO
15 IS HIGHLIGHT WHAT'S ALREADY IN THEIR PETITION. THAT IS
16 NOT A BASIS FOR GOOD CAUSE.

17 THANK YOU.

18 JUDGE IPPOLITO: ALL RIGHT. WITH THAT, I'M
19 GOING TO GO ON MUTE AND CONFER WITH JUDGE HOSKINS. I
20 HAVE A PRETTY GOOD UNDERSTANDING ON THE -- ON THE
21 POSITIONS OF BOTH SIDES FOR BOTH OF THESE CASES, AND I
22 WILL BE BACK AND -- WITH EITHER MORE QUESTIONS OR
23 THOUGHTS ABOUT THE REQUESTS. I WILL BE BACK SHORTLY.

24 THANK YOU.

25 MR. RENNER: THANK YOU.

1 (RECESS)

2 JUDGE IPPOLITO: THIS IS JUDGE IPPOLITO, AND I'M
3 BACK WITH JUDGE HOSKINS ON THE LINE. JUST MAKING SURE
4 THAT WE STILL HAVE EVERYONE HERE.

5 PETITIONER, ARE YOU STILL PRESENT?

6 MR. ROZYLOWICZ: YES, YOUR HONOR. WE ARE STILL
7 PRESENT.

8 JUDGE IPPOLITO: AND PATENT OWNER?

9 MR. TILLER: YES, YOUR HONOR.

10 JUDGE IPPOLITO: AND MOST IMPORTANTLY -- I
11 ALWAYS BELIEVE MOST IMPORTANT PERSON IS OUR COURT
12 REPORTER.

13 COURT REPORTER, ARE YOU STILL HERE?

14 THE REPORTER: YES, I'M HERE. THANK YOU, YOUR
15 HONOR.

16 JUDGE IPPOLITO: GREAT.

17 SO I'VE CONFERRED WITH THE PANEL, AND WE ARE
18 GOING TO DENY PETITIONER'S REQUEST FOR BOTH '518 AND '519
19 BECAUSE GOOD CAUSE IN THIS CIRCUMSTANCE HASN'T BEEN SHOWN
20 FOR EITHER OF THE CASES. AND AS WAS MENTIONED BY BOTH
21 PARTIES, THE BOARD IS -- THE PANEL IS GOING TO BE PRETTY
22 WELL EQUIPPED TO ASSESS THE ISSUES THAT WERE MENTIONED
23 TODAY WITHOUT FURTHER BRIEFING.

24 AND ALSO EVERYTHING THAT WAS DISCUSSED TODAY,
25 INCLUDING PETITIONER AND PATENT OWNER'S ARGUMENTS, WILL

1 BE IN THE RECORD FOR THE COURT REPORTER'S TRANSCRIPT THAT
2 WILL BE ENTERED INTO THE RECORD BY PETITIONER WHEN IT'S
3 READY.

4 AND BECAUSE OF THAT, AND ALSO BECAUSE OF WHAT WE
5 DISCUSSED EARLIER, I THINK THERE'S ENOUGH HERE FOR THE
6 PANEL TO FIGURE OUT ALL THE ISSUES THAT WERE PRESENTED
7 TODAY BASED ON THE BRIEFS THAT ARE ALREADY IN THE RECORD.

8 WITH THAT, ARE THERE ANY ADDITIONAL QUESTIONS OR
9 CONCERNS?

10 PETITIONER?

11 MR. ROZYLOWICZ: NO, YOUR HONOR. NO FURTHER
12 QUESTIONS OR CONCERNS FOR THE PETITIONER. THANK YOU.

13 JUDGE IPPOLITO: PATENT OWNER?

14 MR. TILLER: NO, YOUR HONOR. THANK YOU.

15 JUDGE IPPOLITO: ALL RIGHT. AND WITH THAT, I
16 BELIEVE WE ARE DONE FOR TODAY UNLESS THE COURT REPORTER
17 HAS ANY QUESTIONS REGARDING SPELLINGS AND WHATNOT. BUT I
18 THINK THAT BOTH THE -- THE PARTIES ARE WELL EQUIPPED TO
19 HANDLE THOSE QUESTIONS, SO THE PANEL WILL BE LOGGING OFF
20 NOW. THANK YOU.

21 MR. ROZYLOWICZ: THANK YOU.

22 MR. TILLER: THANK YOU.

23 (THE PROCEEDINGS CONCLUDED AT 9:39 A.M.)
24
25

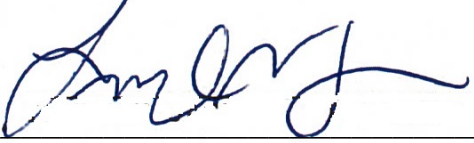
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT TRIAL AND APPEAL BOARD

IN RE PATENT OF:	)	
	)	
ANDREW WILLIAM WRIGHT	)	
	)	
	)	U.S. PATENT NO. 9,633,487
	)	
	)	PROCEEDING NO.
	)	IPR2023-00518 &
	)	IPR2023-00519
UNITED SERVICES AUTOMOBILE	)	
ASSOCIATION (USAA),	)	HON. FRANCES IPPOLITO
	)	HON. GEORGE HOSKINS
PETITIONER,	)	
V.	)	
	)	
AUTO TELEMATICS, LTD,	)	
	)	
PATENT OWNER.	)	

I, LINDSAY JAGICH, OFFICIAL/PRO TEM
REPORTER, DO HEREBY CERTIFY THAT I DID CORRECTLY REPORT
THE PROCEEDINGS CONTAINED HEREIN AND THAT THE FOREGOING
PAGES 1 THROUGH 29, INCLUSIVE, COMPRISE A FULL, TRUE, AND
CORRECT TRANSCRIPT OF THE PROCEEDINGS AND TESTIMONY TAKEN
IN THE MATTER OF THE ABOVE-ENTITLED CAUSE ON TUESDAY,
JULY 25, 2023.

DATED THIS 1ST DAY OF AUGUST 2023.


LINDSAY JAGICH, CSR NO. 13889
OFFICIAL/PRO TEM REPORTER

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