

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD., SAMSUNG
ELECTRONICS AMERICA, INC., GARMIN LTD. and
ZEPP HEALTH CORPORATION,
Petitioner,
v.

SLIDE ANALYTICS, LLC,
Patent Owner.

IPR2024-00006
Patent 8,588,033 B2

Record of Oral Hearing
Held: January 15, 2025

Before JAMESON LEE, ST. JOHN COURTENAY, III, and
JOHN F. HORVATH, *Administrative Patent Judges*.

IPR2024-00006
Patent 8,588,033 B2

APPEARANCES:

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The above-entitled matter came on for hearing on Wednesday, January 15, 2025, commencing at 1:00 p.m., at the U.S. Patent and Trademark Office, 207 South Houston Street, Dallas, Texas.

P R O C E E D I N G S

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2 JUDGE COURTENAY: All right. Good afternoon. I'm glad
3 everyone can make it today. We'd like to welcome both parties to the Board.
4 I'm Judge St. John Courtenay, III. My colleagues on the Panel are Judge
5 Jameson Lee and Judge John Horvath. This is the oral hearing for IPR2024-
6 00006. The involved patent is U.S. Patent 8,588,033 B2. And Zepp Health
7 Corporation is the only Petitioner entity that is now remaining in this
8 proceeding. The proceeding for Petitioner Zepp Health Corporation versus
9 Patent Owner Slyde Analytics, LLC. Okay, at this time, can Counsel for
10 each side please introduce yourself so that we will know who's presenting
11 the oral arguments today? We can start with the Petitioner.

12 MR. PEREIRA: Yes. Good afternoon, Your Honors. Daniel Pereira,
13 Lead Counsel for Zepp, Petitioner.

14 MR. LAMBRIANAKOS: Good afternoon, Your Honors. Peter
15 Lambrianakos, on behalf of Slyde Analytics, Patent Owner.

16 JUDGE COURTENAY: Okay. Mr. Lambrianakos. Did I pronounce
17 your name correctly? Lambrianakos?

18 MR. LAMBRIANAKOS: Yes, yes.

19 JUDGE COURTENAY: Okay. Very interesting name, as I said
20 before. Okay, can each party confirm that there's no confidential business
21 information in this case? Because this hearing is open to the public. There
22 is a public access line. Can Petitioner, can you confirm?

23 MR. PEREIRA: I can confirm.

24 JUDGE COURTENAY: Patent Owner, Mr. Lambrianakos?

25 MR. LAMBRIANAKOS: Yes, confirmed, Your Honor.

1 JUDGE COURTENAY: Okay. Great. Okay, the schedule. And the
2 schedule, since this is a case about a watch, you know, the schedule should
3 go just like clockwork, right. Each side has a total of 45 minutes of
4 argument time. The Petitioner goes first, and the Petitioner, you can reserve
5 time for rebuttal out of that 45 minutes. Then the Patent Owner presents,
6 and the Patent Owner likewise can reserve time for a sur-rebuttal. And you
7 know, this is probably going to be a long hearing, so we may take a 3-, 4-, 5-
8 minute break before we get to the rebuttal arguments. But then after the
9 Patent Owner presents, then the Petitioner returns to present its rebuttal, and
10 then we finish with the Patent Owner's sur-rebuttal. So that's the schedule.

11 And at any time during the proceeding, if you have any kind of
12 technical issues, please let the team member at the PTO, contact them
13 immediately. We'll have to resolve that. It happens with these remote
14 hearings. So, please let us know immediately if you get disconnected or
15 something like that.

16 And when you speak, try to speak clearly into your microphone,
17 identify yourself, and try not to speak when others are speaking. Like, try
18 not to speak over the Judges in particular. And we note that neither side is
19 using any demonstrative today. Is that correct? We didn't receive any.

20 MR. LAMBRIANAKOS: That is correct, Your Honor, for Patent
21 Owner.

22 MR. PEREIRA: And that's correct for Petitioner as well, Your
23 Honor.

24 JUDGE COURTENAY: Great. We do have access to your entire
25 record, but when you refer to papers or exhibits, please do so clearly and
26 explicitly and give us a little bit of time to find the paper. We have access to

1 an internal website that has all the exhibits and all the paper numbers, and
2 we have a working PDF file. So just give us a little bit of time to find the
3 right document that you're referring to.

4 And also, when you're not speaking, please keep the mute button on.
5 And there's a whole list of things here. The purpose of this oral hearing is to
6 present your case based upon your best arguments and the evidence of
7 record. In particular, you know, if you begin with your best arguments that
8 you feel may be dispositive in this case, and they're supported strongly by
9 objective evidence, that's very helpful to the Panel. You may not introduce
10 any new evidence or arguments that have not already been briefed.

11 Okay, Petitioner, when you're ready, you may begin.

12 MR. PEREIRA: Okay, thank you, Your Honor. So may it please
13 Your Honors. My name is Daniel Pereira, and I am the lead counsel for
14 Petitioner Zepp in this IPR. As Your Honors have already, at least
15 preliminarily decided that a number of issues in the Institution Decision that
16 the art cited in the petition is relevant to the '033 Patent. The art cited in the
17 petition is combinable. The art teaches and suggests all the limitations of the
18 claims of the '033 Patent. Following the guidance in *KSR v Teleflex*, a
19 combination of familiar elements known to -- according to known methods
20 is likely to be obvious when it does no more than yield predictable results.

21 And so, it is the Petitioner's position that, again, largely the Board has
22 preliminarily agreed, the patent disclosure and the patent claim simply took
23 what was well known and utilized it in a way as defined in the claims.
24 Indeed, in our reading and as set forth in the petition, there's no disclosure
25 that suggests that the '033 Patent designed or invented any components of
26 the watch that were not already known. While Patent Owner has, as entirely

1 would be expected, tried to muddy the waters as to what the prior art teaches
2 and what the patent claims, it is Petitioner's position that the Patent Owner
3 has not provided sufficient rationale to undercut the clear evidence presented
4 in the original petition requesting this inter partes review, that all the claims
5 are in fact unpatentable over Mooring, Satoshi, and the other references cited
6 therein.

7 Patent Owner, of course, has raised a number of challenges through
8 the various replies and sur-replies, many of which largely mirror those that
9 were presented in the Patent Owner's preliminary responses that, to a large
10 extent, Your Honors have already considered. And despite those challenges,
11 in our view, correctly and, of course, preliminarily, that the evidence and the
12 art presented in the petition establishes the unpatentability of all claims of
13 the '033 Patent.

14 So, with that basic introduction, what I'd like to do is hit the main
15 points at least as we see them in terms of where the Patent Owner has some
16 disagreement with Petitioner, and I'll try to walk you through those as best as
17 I can. So foundationally, one of the challenges that Patent Owner has
18 presented is that the expert the petition relies upon, Dr. Bederson is not a
19 person of ordinary skill in the art.

20 In fact, Patent Owner has challenged the standing of Dr. Bederson as a
21 competent expert because purportedly he doesn't have real world experience
22 or other knowledge with regard to quote, unquote, small wearables. And I
23 would refer Your Honors to the Patent Owner's sur-reply filed on the record
24 on December 27, 2024 at pages 5 and 6. And then, of course, this is
25 somehow to suggest that an expert such as Dr. Bederson, who had decades

1 of computer programming and personal device development experience, is
2 not qualified to opine on the claims at issue.

3 So one thing that seems to be untouched is what is small in the context
4 of small wearable. Insofar as I've seen in the record, this is an undefined
5 term. It's a relative term as Your Honors are aware. And without having
6 some guidance or direction as to what small means, let alone that the term
7 small is not anywhere in any of the claims, I just don't see that those
8 arguments, again, given Dr. Bederson's extensive experience, decades of
9 experience in this field, disqualifies him or somehow discounts him as a
10 competent expert to provide testimony in the form of the declarations that
11 have been submitted into the record.

12 So the point here is fairly simple. Petitioner believes that this is
13 largely a non-issue and the Board correctly and preliminarily in the
14 Institution Decision agreed that Dr. Bederson is in fact a competent expert to
15 provide his Opinion on the matter of the '033 Patent claims validity.
16 Another point in the Patent Owner's sur-reply has to do with Petitioner's
17 reply. Sorry, paper. Yeah, so in Petitioner's, excuse me, Patent Owner's sur-
18 reply, again, on December 27, 2024, starting at around page 7, there is an
19 argument presented that the expert declaration and in fact the reply,
20 Petitioner reply, to which the sur-reply was responding to, should be rejected
21 based on the presentation of new evidence or new arguments.

22 Now, as far as Petitioner is concerned or has seen, Patent Owner
23 neither filed a motion to exclude nor requested leave to file a motion to
24 strike and thus, in our view, waived any arguments that the materials in
25 question, that is the supplemental declaration of Dr. Bederson as well as the
26 reply to which it refers, should be ignored. Now, of course, Your Honors

1 have the distinct privilege at your discretion to consider any documents or to
2 ignore any documents that have been submitted into the record, if they so
3 believe.

4 So, regardless of whether or not Patent Owner's position that the reply
5 and supplemental declaration of Dr. Bederson should be ignored or
6 discounted, the petition itself, in the original petition that the Board here
7 decided to be sufficient to institute the IPR in the first place, is sufficient for
8 the final determination of unpatentability of the claims.

9 JUDGE LEE: Mr. Pereira, it's Judge Lee. I'd like to ask you a couple
10 of questions. The first is, we've been talking about this bare metal
11 embedded coding, and I think from your reply we now understand what that
12 is, that it's programming the hardware directly rather than through an
13 operating system. So my question is, just exactly how difficult is that? You
14 know, isn't it simply like the difference between, kind of, assembly language
15 programming versus, you know, programming on a higher level or machine
16 code programming as compared to assembly language programming? It's
17 just a different programming language, isn't it? That's one question.

18 The other one is let's assume that it is programming the hardware
19 directly. It seems like your expert, in his reply declaration, says he has it
20 anyway. He has years of experience doing exactly that. Is that true or is that
21 not true, that he actually has no experience directly programming the
22 hardware using bare metal embedded code?

23 MR. PEREIRA: Sitting here at the moment, I don't recall whether Dr.
24 Bederson testified whether he has actual experience in bare metal coding, as
25 Your Honor asked. But there's a couple of points I think worthwhile here.
26 Number one, there's no limitation in the claim that it precludes bare metal

1 coding. In fact, there's no limitation on any type of coding in the claims.
2 And second, the evidence that has been presented in the record through Dr.
3 Bederman's, excuse me, Bederson's testimony, both initially as well as a
4 supplemental declaration as well as in his deposition, made it clear that the
5 various means of programming or software or however you want to think
6 about it was already well known. In fact, the patent itself, the '033 Patent
7 itself at around column 2, lines, let's see, it was around 53 through 58,
8 basically acknowledges that microcontrollers that were already known could
9 do what it is that they want to do in the patent. I'm not sure I entirely
10 answered your question, but I'm --

11 JUDGE LEE: Let me follow up.

12 MR. PEREIRA: Mm-hmm?

13 JUDGE LEE: It's only in part because the other side says in 2010 it is
14 little wristwatches that would be programmed primarily through the bare
15 metal embedded code. They say primarily. So if something is primarily
16 done that way, and if your expert has no idea how to do it that way, it does
17 make a difference on whether he's actually a POSITA. Right?

18 You know, but I don't think you've actually disputed their assertion
19 that in 2010 it was primarily done through bare metal embedded coding.
20 You know, I read through your papers. All over you say, oh, it was already
21 known there was this operating system. There was that. Even if all of that is
22 true, you never come out to say it's not true that it was primarily done
23 through bare metal embedded coding. So, I'm a little confused. Maybe --

24 MR. PEREIRA: Well --

25 JUDGE LEE: -- about 100 times it was done through these operating
26 systems, but 99 percent of the time it was done through exactly the way

1 Patent Owner says it's done. It's kind of fuzzy there. Do you want to clarify
2 that? Do you dispute that in 2010 these things were primarily programmed
3 through bare metal embedded coding? Or is that --

4 MR. PEREIRA: I don't believe there's evidence of record to suggest
5 that primarily in the context of 90 percent, 99 percent, as Your Honor
6 suggested.

7 JUDGE LEE: There isn't. There isn't. But --

8 MR. PEREIRA: But the bare metal coding --

9 JUDGE LEE: -- I only have you answering questions now, but you
10 never disputed it. I looked all over.

11 MR. PEREIRA: Oh, I think --

12 JUDGE LEE: I didn't see the Petitioner saying, oh, that's not true. So
13 I'd like to know whether it is true?

14 MR. PEREIRA: Right. Well, I mean I think maybe Dr. Bederson
15 didn't answer that question in the exact form, as you've asked for. But I
16 believe in his particularly in his supplemental declaration, there's a, and this
17 is Petitioner Exhibit 1052, starting in around page 5 and on for the next few
18 pages. He makes it clear, at least in my mind, that there were a number of
19 ways in which smart watches or electronic watches, however we want to
20 think about them objectively, were programmed, worked, functioned, and he
21 refers to a number of different so called, quote, unquote industry leaders,
22 paragraph 13, Exhibit 1052, such as IBM, Microsoft, LG, Apple, Sony, that
23 were all working on and had various wearable devices that used a variety of
24 different operating systems. So again, I acknowledge that perhaps the exact
25 question that Your Honor is asking has not been specifically addressed. But
26 I think the information is sufficiently in the record that suggests that bare

1 metal code is not at all where the state of the art is. And again, I know I
2 mentioned this before, but I have to reiterate it here. There's no requirement
3 in any of the claims one way or the other for that point. As Your Honor is
4 aware, it just simply says microprocessor.

5 JUDGE LEE: I've read all --

6 MR. PEREIRA: Microcontroller, excuse me.

7 JUDGE LEE: -- you've mentioned, but still conceivably all of those
8 operating systems may amount to just one percent of all the instances and
9 then it still may be true it was primarily done only through bare metal
10 embedded coding. So it's still kind of fuzzy. Of course, when they come up,
11 I'll ask them where's the evidence that it was primarily done through that?
12 And I don't see that either, that it was primarily done only the other way.
13 So, because you're up now, that's why I'm asking you.

14 MR. PEREIRA: Oh, fair.

15 JUDGE LEE: But your expert didn't really say it wasn't primarily
16 done. He just said, well, there are other, there are operating systems usable
17 for doing that. But I don't know, you know, what percentage?

18 MR. PEREIRA: Well, I think --

19 JUDGE LEE: Is that 1 percent or 50 percent?

20 MR. PEREIRA: I understand your point and I would suggest to you
21 that I think the point is not really particularly relevant whether it's 1 percent
22 or 50 percent bare metal code or vice versa. The question of what was
23 available to a skilled person at around the relevant time that the patent,
24 excuse me, patent application was filed, and if there was knowledge of the
25 various operating systems and mechanisms or means in which to program a
26 small handheld or wearable device to function as one would wish to design,

1 that is sufficient to establish that at the time and the combination of elements
2 in the claims would have been obvious.

3 JUDGE LEE: And I appreciate that. Though hear me out.

4 MR. PEREIRA: Sure. Of course.

5 JUDGE LEE: What if? What if it's true? Hypothetically, let's
6 assume it's true. It's done 99 percent of the time by bare metal embedded
7 coding.

8 MR. PEREIRA: Mm-hmm?

9 JUDGE LEE: It's rarely done through operating system. And your
10 guy doesn't know how to do it, doesn't know how to do bare metal
11 embedded coding, never done it before in his life. Why wouldn't that
12 matter? I mean, why would that not mean he doesn't know what he's talking
13 about --

14 MR. PEREIRA: Wait, wait, wait.

15 JUDGE LEE: -- when it comes to implementing these things?

16 MR. PEREIRA: Sure. And I understand your point. I can't speak of
17 whether he has practical and hands-on knowledge of bare metal coding.
18 Excuse me. But he clearly understands it and he knows what it is. And that,
19 in the context of all the other experiences he's had in computers and personal
20 devices, I think provides more than sufficient basis that he's competent to
21 speak on these issues.

22 JUDGE LEE: Right. I was hoping you can point out the exact bare
23 metal embedded coding he's done. I think there might be some because he's
24 got quite a few pages in his reply declaration saying, even if it's like the
25 other guy says, I have it too. That's why I want to give you a chance to tell
26 us what that is.

1 MR. PEREIRA: Yeah. As I'm sitting here at the moment, I can't put
2 my finger on it. It may very well be there, to your question. But I still take
3 issue that that's a relevant inquiry in the question if he has knowledge of
4 them, which he clearly does because he talks about it. And the fact that
5 there are other ways to do programming or operating systems on a personal
6 device, whether it be a handheld or wrist wearable, is really of no
7 consequence whether he's actually done bare metal coding.

8 JUDGE LEE: Right. That's why I asked you, isn't that just another
9 programming language? I've taken programming classes, and you don't
10 need, I don't think five to six years of programming something to learn a
11 new language to do something. That's why I started by asking you, isn't that
12 just a different way of programming?

13 MR. PEREIRA: Well, I mean I think it was an older way of doing it.
14 There are more, perhaps, more technically complicated but certainly
15 methodologies more efficient, perhaps faster, cleaner, stronger kind of
16 analyses. But insofar as, you know, the issues at hand, unless there's a
17 reference to the claims in bare metal coding and that's what what's at issue
18 here, I just don't see it be relevant.

19 JUDGE LEE: Thank you.

20 MR. PEREIRA: Okay, so. Okay. So, we already, we left off on the
21 question of the reply that Patent Owners submitted in their sur-reply. And
22 fundamentally, of course, they have argued that there is no motivation to
23 combine the two primary references used in all the grounds, which is
24 Mooring and Satoshi. And I believe, of course, Your Honors have already
25 addressed that preliminarily in the initial Institution Decision and, but I just
26 want to highlight a few points if I may.

1 So number one, and I'll refer here to the supplemental declaration of
2 Dr. Bederson, Exhibit 1052. And just this exhibit number. Yeah, I'll just
3 stick with that for a moment. So Mooring describes watches and -- sorry,
4 this is, I think I didn't mention around page 23 and 24 of Exhibit 1052. So
5 Mooring talks about watches. He also talks about other types of portable
6 devices such as watches, cell phones, and the like. And Mooring explicitly
7 talks about the modular movements, referring to Figure 7 of Mooring in a
8 phone, telephone, or watch.

9 And flipping to different exhibits. Yeah, so then flipping to, and this
10 is Patent Owner's Exhibit 2003, which is the deposition transcript of Dr.
11 Bederson at page 40, where he discusses what Satoshi describes and
12 explains that Satoshi adjusts the hands of the clock, i.e., the time represented
13 by the simulation, to match the underlying clock on the mobile phone. And
14 in paragraph 88 of Satoshi, it provides additional detail in further description
15 of the synchronization process et cetera.

16 So the point being, as outlined in the original petition, which Your
17 Honors agree with, is that when you put these two pieces of art together, and
18 that would be something that a skilled person would do, because we're
19 talking about personal devices. I don't personally have a smartwatch, but
20 insofar as I have seen they provide ancillary or related functions to a
21 handheld. And I think as we were talking with the context of Dr. Bederson's
22 qualifications to be an expert, if you will, the field is not so segmented that a
23 person who's working in portable devices such as telephone and/or would be
24 working in an area of a smartwatch or electronic watch, that those two things
25 are not relevant. And again, the Board has already decided this in their
26 Institution Decision, for example, at pages 31 and 32.

1 And so, the way I look at Patent Owner's argument is largely one, that
2 the primary references here that are used in combination, Mooring and
3 Satoshi, are not so-called analogous art to each other that would motivate a
4 skilled person to modify one versus the other. And of course, the Board is
5 aware of the standard of analogous art, for example, as set forth in *In Re*
6 *Klein*, which is a Federal Circuit decision from 2011. And even if the art is
7 not in the same field of endeavor, whether the reference still provides
8 reasonably pertinent information to the particular problem with which the
9 inventor is involved.

10 So, however you want to split hairs on it, you have two references that
11 teach all of the features, particularly of claim 1, since we'll use that as
12 representative for all the claims. They both are in the same area. They're
13 both concerned with displaying information that would be customary of an
14 analog watch on its face and the various means and mechanisms to do so,
15 whether it's the actual screen, whether it's the operating system, or the other
16 movement parameters or other features that are required in the claims of the
17 '033 Patent. And again, I will remind -- yeah, well, skip that point. Excuse
18 me.

19 So, another point that they raised, excuse me, they, pardon for the
20 informality, Patent Owner raised, is somehow that the disclosure or the
21 matter in which Satoshi, which is the secondary reference used in
22 combination with Mooring, provides some teachings in terms of the code or
23 program underlying the activity, specifically the Java implementation, that
24 that somehow precludes its use or modification in Mooring. And again, I
25 don't see any evidence to suggest that the claims of '033 have been
26 interpreted or there's any disclosure in the patent that suggests one code is

1 different than the other or that one couldn't be used. But the point being is
2 that that's not what Satoshi is being relied upon. Satoshi is being relied upon
3 to identify certain functionality that was well known at or around the time
4 the '033 Patent was filed.

5 The next point that Patent Owner takes issue with is that Mooring
6 does not disclose a simulation of mechanical watch movement. And I will
7 refer back to Dr. Bederson's deposition, which is Patent Owner Exhibit 2003
8 at around page 30 where Dr. Bederson -- excuse me, pages 30 and 31, where
9 Dr. Bederson explains why Mooring describes that. And, specifically, he
10 refers to modular movements. He talks about how those modular
11 movements are implemented as a mechanical movement. He tied that to the
12 electronic movements, including computer-based movements with a
13 touchscreen or LCD display and a battery. And so, to say that Mooring
14 doesn't disclose a simulation of any type I think is not correct. It's not
15 consistent with the plain reading of Mooring as would be understood by the
16 skilled person at the relevant time.

17 So, one of the other points Patent Owner made in this context of
18 Mooring referring to their sur-reply, December 27, 2024 at page 14, or I
19 should say the text traversing pages 14 and 15, is somehow that the analog
20 time display of Mooring supports movement embodiment. Petitioner's
21 understanding flouts the plain and ordinary meaning of the term simulation
22 of the mechanical watch movement by alleging that displaying analog watch
23 hands is somehow a simulation. Of course, as far as I'm aware, there's been
24 no evidence proffered that the claim has to be interpreted in a way that's
25 aligned with Patent Owner's interpretation here. But regardless, as I pointed
26 out, at least at those few pages that I referred to in Dr. Bederson's deposition,

1 in Exhibit 2003, that Mooring doesn't actually teach those things. In fact
2 they do.

3 Satoshi. Satoshi, of course, Patent Owner has taken issue with insofar
4 as it doesn't disclose or suggest the so-called microcontroller further
5 arranged for synchronizing the displayed time. This is referring to in and
6 around pages 15 to 17 of Patent Owner's sur-reply of December 27, 2024.
7 But I would then switch back again to Dr. Bederson's deposition which is
8 Patent Owner Exhibit 2003 at and around page 40 where Dr. Bederson
9 explains under direct cross-examination that Satoshi adjusts the hands of the
10 clock, that is the time represented by the simulation to match the underlying
11 clock of the mobile phone. Paragraphs 87 and 88, it provides additional
12 detail where it put a description of the synchronization process. It says in
13 part out -- line 4 of paragraph 88 referring to Satoshi, that when drawing the
14 s 9, the hand 9 advance to the current time and are redrawn, which tells me
15 there was a process by which the hand advanced the current time. That's not
16 describing them all being adjusted individually by the user. So I think that's
17 an important point worthy of bringing to Your Honors' attention.

18 The final point I'll make and then hand it off to my friend, opposing
19 counsel, and then reserve the rest of my time for rebuttal is -- sorry, did Your
20 Honors have a question?

21 JUDGE LEE: I do.

22 MR. PEREIRA: Yes, sir.

23 JUDGE LEE: But you go ahead and finish what you want to say.

24 MR. PEREIRA: Okay, the final point I'll make here is that, well, near
25 final point anyway, in the Patent Owner sur-reply of December 27, 2004,
26 they suggest that one or several actually of the dependent claims have been

1 conceded to be patentable because the prior art doesn't teach them. But I
2 think the missing point here is while Petitioner may or may not have
3 addressed all claims in every single reply, what's foundational is the petition.
4 And the petition identifies the grounds for unpatentability of every single
5 claim based on all the art that's before Your Honors. So, I just want to clear
6 that insofar as I'm concerned, Petitioner's reply or Petitioner's comments
7 anywhere, and mere absence of a comment in a reply does not concede the
8 position that any of the dependent claims or other claims but for claim 1 are
9 somehow not also unpatentable.

10 But I think the remaining points, insofar as those we'll call them
11 tertiary references such as Tam, and Inoue, and Ruchonnet can be put aside.
12 And I can entertain any questions before I yield my time to opposing
13 counsel.

14 JUDGE LEE: Okay, it's Judge Lee. I do have two questions. One is
15 a quick one. Does assembly language programming count as bare metal
16 embedded coding?

17 MR. PEREIRA: Could you repeat that phrase that you mentioned,
18 Your Honor?

19 JUDGE LEE: Assembly language programming. Because your
20 expert has quite a bit of experience doing assembly language programming,
21 but it's not clear whether that is a form of bare metal embedded coding.

22 MR. PEREIRA: I can't, I honestly can't say one way or the other.

23 JUDGE LEE: Okay, and the other one has to do with claim 12, which
24 has a means plus function limitation. Means for entering and executing a
25 request for set of synchronization by the user. So if I look at your petition,
26 first, you note the function inside it, and then you say, what, in your view is

1 the disclosed corresponding structure. So, the function is entering and
2 executing a request for set synchronization.

3 MR. PEREIRA: Correct.

4 JUDGE LEE: And then when you account for it, you're referring to
5 the prior art's processor doing all sorts of things to synchronize stuff. Okay,
6 I don't have any problem with that. But then when you point out the
7 disclosed corresponding structure, you don't point out any processing
8 elements; you only point out one of the push buttons or the touch sensor.
9 So, there seems to be a mismatch. A button doesn't really carry out all the
10 processing functions, and neither does a touch sensor. Can you explain that?
11 It would seem to me if the function is the synchronization --

12 MR. PEREIRA: Mm-hmm?

13 JUDGE LEE: -- the scope would have to include the processing
14 element. But you've only identified the push button.

15 MR. PEREIRA: Well --

16 JUDGE LEE: And (inaudible) --

17 MR. PEREIRA: -- I mean, the processing element is effectively the
18 same as it was addressed for claim 1. That is the limitation in claim 1 that
19 refers to a microcontroller being able to do the things that are recited therein.
20 So, in --

21 JUDGE LEE: That would make sense. But you didn't say the
22 corresponding structure is that. I'm reading right from your petition. And
23 the disclosed corresponding structure is quote, one of the push buttons 41 for
24 the touch sensor described in the patent at column 8, lines 44 to 49.

25 MR. PEREIRA: Mm-hmm.

1 JUDGE LEE: But the button or the sensor itself wouldn't be able to
2 perform the recited function.

3 MR. PEREIRA: But it is part of the, we'll call them chain of events
4 that creates that execution or requested execution by the user. Right. You
5 need to push the button, touch the screen for the processor to do what it is
6 that you're requesting it to do. So, I understand your point in terms of,
7 perhaps, the lack of specific recitation in the original petition that Your
8 Honor is pointing out, but because claim 12 is a dependent claim and all the
9 processing features have already been addressed, I think it's not
10 unreasonable to, because 12 is a dependent claim, to put those two points
11 together.

12 JUDGE LEE: Okay, thank you.

13 JUDGE HORVATH: This is Judge Horvath. I have another question
14 for you.

15 MR. PEREIRA: Yes. Sure.

16 JUDGE HORVATH: And this pertains to claim 11. But I think
17 before we get into that, I think we hopefully need to come to an
18 understanding of what I think the patent is trying to claim and the prior art
19 discloses. I think they are different things. So just looking at claim 11, it
20 says -- and I apologize for, I'm going to have to bring up multiple screens
21 here. Looking at claim 11 and your construction of it. Claim 11 is a means
22 for modifying the running of said display regulating organ according to the
23 accelerations to which the watch is subjected.

24 And --

25 MR. PEREIRA: I'm sorry, Judge Horvath, I apologize. Which claim
26 are you referring to?

1 JUDGE HORVATH: Claim, I'm sorry, maybe it's claim 10.

2 MR. PEREIRA: Okay, thanks.

3 JUDGE HORVATH: Claim 10. Sorry.

4 MR. PEREIRA: No, no, it's okay. We're on the same page now.

5 JUDGE HORVATH: Yeah. So my understanding of the patent, and
6 trying to understand this limitation, if you go to the '033 Patent, and let's see,
7 if you look at column 8, sort of starting at lines 27 or so, it says in one
8 advantageous embodiment, the movement represented is a real simulation of
9 a mechanical movement. The represented components have a virtual mass,
10 and the simulated torques or forces are transmitted from one component to
11 another. In the same manner, some components, such as the springs, have a
12 virtual rigidity. The microcontroller thus calculates and displays at any time
13 a simulation of the position of each component according to the interactions
14 with the other components to the acceleration and interactions of the user on
15 the crown, the push buttons, et cetera.

16 So, my understanding of that passage is that they are truly simulating
17 the function of a clock, that it has mass, it has springs, it has a spring
18 constant. They can calculate the force with which the spring expands and
19 contracts and how that creates a torque on the various gears, all of which is a
20 quote, unquote, real simulation because they're in fact calculating how much
21 a gear will rotate and what its period of rotation will be, et cetera, et cetera.
22 With that understanding, I think claim 10 makes sense, that there's a, you
23 know, because if there's an acceleration measured, which is what claim 10
24 says, it will affect how some of those components, some of those constants.
25 Do you agree with that?

1 MR. PEREIRA: Give me one moment, if you will. Okay. I mean, I
2 guess your interpretation is not unreasonable, but I, you know, that, those
3 features, particularly in the context of the simulation of a clock or a watch,
4 keeping time, sort of, all the things Your Honor just mentioned in the
5 original petition, as well as discussed in various forms in the replies as well
6 as the depositions. The reference of Tam, T-A-M, was relied for those
7 simulations, I suppose, or effects, for example. And I'll just refer Your
8 Honors to the Patent Owner's Exhibit 2003, which is, again, the deposition
9 of Dr. Bederson at and around page 53, where he says Tam teaches a very
10 deep physical simulation of the entire gear train and many elements that a
11 person, excuse me, a person of skill in the art would understand, especially
12 given Tam's disclosure of the simulation of kinetics, the dynamics of the
13 internal watch components that using the disclosed data, and onwards. So, I
14 apologize. Have I answered your question sufficiently, or do we need to
15 have further exchange on it?

16 JUDGE HORVATH: Well, I mean, I suppose your answer. I'm
17 looking at ground 1. In ground 1, you challenge claim 11. Oh, I'm sorry.
18 I'm thinking claim 11. My apologies. So, claims 10, you're always referring
19 to Tam.

20 MR. PEREIRA: Correct.

21 JUDGE HORVATH: Is that right? Okay, that was my mistake. I
22 thought that was claim 11. It's claim 10.

23 MR. PEREIRA: No problem.

24 JUDGE HORVATH: Okay. Thank you.

1 MR. PEREIRA: You're welcome. Okay. With that, I will go on
2 mute and allow my friend, the opposing counsel, to take over with this
3 portion of the discussion.

4 MR. LAMBRIANAKOS: I'm sorry, I'm unable to hear, Your Honor.

5 JUDGE COURTENAY: Can you hear me now?

6 MR. LAMBRIANAKOS: Yes, I can. Thank you.

7 JUDGE COURTENAY: Okay, Mr. Pereira, we've gone about 38
8 minutes of your time, and so now we'll turn it over to the Patent Owner.
9 And you may proceed at any time.

10 MR. LAMBRIANAKOS: Thank you, Your Honors. I would like to
11 focus on what I believe are the two fundamental flaws throughout the
12 grounds of the petition, and they relate to the disclosures of Mooring and
13 Satoshi. So Petitioner's argument that Mooring discloses an embodiment in
14 which there is a representation or simulation of the hour and minute hands
15 on an LCD screen is nowhere in Mooring. There is no evidence in Mooring
16 of any simulation. Petitioner's motivation to combine and its argument for
17 element 1b depend on there being this disclosure in Mooring.

18 The second point I'll make is with respect to Satoshi. The claims
19 require that the microprocessor, the microcontroller, synchronize the display
20 time with the time of the quartz oscillator. Satoshi does not disclose that the
21 microcontroller performs this function. It's performed by the user. So first
22 with Mooring. Now,
23 Mooring --

24 JUDGE HORVATH: Mr. Lambrianakos, if I could interrupt. I mean,
25 if we could go to Satoshi first. You know, we just saw this passage in
26 Satoshi. I think it was paragraph 89 that said that after you're entering this

1 edit mode, I'm trying to find it now, that the hands advance to the time that
2 was set. I think this is paragraph, let's see, 88, maybe it is. In editing mode,
3 it says, when editing is performed with rotation of the gears in a stopped
4 state, the execution mode is returned to, rotation of the hands 9
5 recommences, and when drawing the hands 9, they advance to the current
6 time and are redrawn. Now, that's not done by a user. That's done by a
7 processor, isn't it?

8 MR. LAMBRIANAKOS: So the user enters the edit mode, and the
9 user, during the editing, performs the operation of moving the hands to the
10 appropriate location in order to try to synchronize the display time with the
11 current time. And then the user allows the device to re-enter the execution
12 mode by hitting the set button. And that is what allows the microprocessor
13 to then begin to have a normal simulation as before. But this disclosure does
14 not state that the microcontroller is the device which is actually moving the
15 hands into position, so that they're consistent with the current time.

16 JUDGE HORVATH: Okay, but we --

17 MR. LAMBRIANAKOS: The only actor is --

18 JUDGE HORVATH: This is Judge Horvath. But you have to read
19 this as one of skill in the art. If the microprocessor is not the thing that's
20 moving the hands, then what is? The hands are redrawn. And it says the
21 hands are stopped. In the editing mode, the hands are stopped. So the hands
22 are stopped. I can move them wherever I want. Maybe I move them that is
23 exactly right with the clock, the internal clock. Maybe I don't. But they're
24 stopped and I move them however I want. But when I reenter the execution
25 mode, paragraph 88 says the hands get advanced to the current time and are
26 redrawn. So then, the question for you is, what's redrawing them? How

1 would a person of skill in the art understand how they're being redrawn to be
2 advanced to the current time?

3 MR. LAMBRIANAKOS: The hands are advanced by -- when the
4 execution mode is entered, meaning that the adjustment that was made by
5 the user is complete. Then the hands have advanced to the execution, to the
6 current time. So that advance is done through the change that is made by the
7 user. And then in the execution mode, the hands continue to move. There is
8 not a situation where the user enters the edit mode and then the
9 microcontroller magically moves all the hands to have it synchronized and
10 then enters into the execution mode. When that's complete, it's the user that
11 puts the device back into the execution mode after the user has performed
12 the synchronization.

13 JUDGE HORVATH: Okay, that's -- I guess, my question for you is if
14 I'm, you know, it says that during the edit mode, the hands are stopped. So
15 it's currently 9:05. And so, I enter the edit mode, it's 9:05. And, you know,
16 because I'm distracted or because of something, I set the clock, I look at my
17 other clock and it says, oh, it's actually 9:12, and I set the hands to 9:12. But
18 it takes me, you know, maybe a few minutes, three, four, five minutes to do
19 that because somebody interrupts me while I'm doing it, et cetera, et cetera.
20 And then I hit the run button. Your position is that it will now be, you
21 know, I reset the hands to 9:12 based on my, you know, looking at my other
22 clock, which is accurate. And, but it took me, I was interrupted, it took me
23 five minutes, let's say, to set them to 9:12. So now it's actually 9:17. And
24 your position is that from now on the clock will be at 9:12, not 9:17.

25 MR. LAMBRIANAKOS: That's correct.

26 JUDGE HORVATH: So, how is --

1 MR. LAMBRIANAKOS: That's correct, that's why --

2 JUDGE HORVATH: How is that advancing to the current time?

3 MR. LAMBRIANAKOS: Well, the user --

4 JUDGE HORVATH: The current time is 9:17.

5 MR. LAMBRIANAKOS: That's correct. The current time is 9:17.

6 But at the time of the adjustment, that was made by the user, the user is

7 looking to get the current time. This discloses that the current time can be

8 read from the clock function of the mobile phone. That's in paragraph 87.

9 So, based on an operation of the user, the current time is read, right? Not the

10 operation of the microprocessor, the operation of the user. The current time

11 is read.

12 So, now the user has the current time. So you enter into an edit mode

13 and you redraw the hands. And that's why it says and when drawing the

14 hands, the hands advance to the current time and are redrawn. That's done

15 by the user. And then when there's an execution mode, the rotation of the

16 hands commences. That's with paragraph 88 in the portion that the court

17 cited there was, you know, that's what it's discussing. I mean, obviously this

18 is a Japanese translation and quite inartfully done.

19 But at the end, at the end of the analysis, it's the Petitioner who has to

20 show how this shows by a preponderance of the evidence that this is a

21 process performed by the microcontroller. There's no word here of a

22 microcontroller. And a person of ordinary skill in the art will see that it's the

23 operation of the user that reads the current time, that enters the edit mode,

24 and then ultimately hits the set button to allow the execution mode to be

25 returned to and the rotation of the hands to begin again. This is not a

26 situation where the user enters in edit mode and then does nothing and

1 there's some process that is automatic which is not described as being part of
2 software or being part of any operation or routine which is in device.

3 And then the user, then by operation of the user, you go back to the
4 set mode. Well, why does the user have to do anything? If the user has to
5 enter the edit mode and the user has to leave the edit mode, then why doesn't
6 the user just hit a button and have it automatically get synchronized and
7 we're done. Why is there a discussion of a time lag? Why is there a
8 discussion of doing it in a short time? That discussion exists because this is
9 a manual process. Otherwise there's no reason to discuss any of that. You
10 go right to the current time and the operation is complete.

11 So this whole section, this whole section in context doesn't lend itself
12 to an interpretation that you're simply beginning an operation by the
13 microcontroller that automatically synchronizes to the current time. That
14 description would be much more simple than one which discloses what the
15 Board pointed out, which is the fact that there are delays associated with the
16 fact that it's a manual process.

17 JUDGE COURTENAY: Mr. Lambrianakos, can you hear me? Can
18 you hear me?

19 MR. LAMBRIANAKOS: Yes, Your Honor.

20 JUDGE COURTENAY: Okay. I'm having problems with muting
21 and unmuting, obviously. But looking at a previous paragraph 85 in Satoshi,
22 the second sentence, it expressly describes that therefore, as depicted in the
23 flowchart in figure 10, for example, the angles of the hands 9 are changed
24 based on an operation by the user. And parenthetically, it mentions step
25 S21. So, what is confusing to me about Satoshi is when you're in this
26 editing mode and the user basically apparently moves the hands, the delay

1 that's described when you go back into the execute mode. I don't completely
2 understand that in paragraph 88. Do you have a better understanding of why
3 that delay occurs?

4 MR. LAMBRIANAKOS: My understanding is that when the user
5 enters the edit mode, at some point, it determines what the current time is
6 that it needs to reset the simulation to. And then it has to go through the
7 operation of setting the hour hand, setting the minute hand, setting the
8 second hand. And there is inherently going to be some delay from the time
9 that the current time is obtained from the device and the time that the user
10 exits the edit mode and the simulation begins again. And that delay is what's
11 being referred to here.

12 JUDGE COURTENAY: Okay.

13 MR. LAMBRIANAKOS: Certainly, if your microprocessor is simply
14 looking at the current time and then electronically resetting the time, the
15 delay should be not even worth mentioning. Obviously, this is a simulation.
16 And so, are you really looking for the absolute perfect time? Probably not.
17 You're looking. It's really more for the appearance of it. And so it's not
18 unusual to see that, you know, this operation might be one where there is a
19 lack of automation that is perfectly precise. And that's why there's this long
20 discussion of how the process works.

21 JUDGE COURTENAY: Okay. I do note that in the Lee reference,
22 which is Exhibit 1008, in paragraphs 45 and 47, there is a description of a
23 user selecting, like, the hour hand, the minute hand, and the second hand,
24 using, like, one touch, two touches, and three touches on a touchscreen. But
25 that's not -- Lee is not relied upon in ground 1, right? That's just in ground 2
26 of the claims 2, 3, 17, and 19. But there seems to be something very similar

1 to what's happening in paragraphs 87 and 88 of Satoshi as to what is
2 happening in paragraphs 45 and 47 of the Lee reference, Exhibit 1008.
3 That's all I have. Thank you.

4 MR. LAMBRIANAKOS: Thank you, Your Honor.

5 JUDGE COURTENAY: Please proceed.

6 MR. LAMBRIANAKOS: Yes, Your Honor. Thank you. So, in the
7 context of answering the Board's question, I believe I've laid out why
8 Satoshi does not disclose the limitation. The limitation requires that the
9 process be performed by the microcontroller to synchronize the simulation
10 with the current time. And we can see from Satoshi that the process is one
11 which is carried out by a user and therefore does not meet that limitation in
12 claim 1, as well as the additional, as with the same limitation, I believe, in
13 claim 16; all the grounds fail for that lack of a disclosure.

14 The second argument is with respect to Mooring. Mooring -- sorry, I
15 thought there was a question. Mooring does not disclose a simulation of a
16 mechanical watch movement as the Petitioner argues. Mooring describes in
17 paragraph 39 that an electronic movement is a quartz movement with either
18 an analog or a digital display. Paragraph 39 of Mooring also says that
19 another example of an electronic movement may include a computer-based
20 movement with a touchscreen or LCD display. Now, paragraph 3 gives us
21 background of what an electronic movement is. And it says that example of
22 an electronic movement is a quartz movement. And a quartz movement
23 drives rotating physical hands on a time display. Nowhere does Mooring
24 say that the LCD or touch screen embodiment displays a simulation of
25 analog hands.

1 Except to cite for its expert's repetition of its interpretation of
2 Mooring, Petitioner hasn't laid out any evidence from Mooring in which
3 there is an embodiment of a simulation. There is an embodiment of a screen
4 that simulates analog hands.

5 JUDGE COURTENAY: Mr. Lambrianakos, can you hear me, again?
6 This is Judge Courtney. Can you hear me?

7 MR. LAMBRIANAKOS: Yes.

8 JUDGE COURTENAY: Yes. Well, is it really the simulation, isn't it
9 really at least suggested by the animation in Satoshi? Satoshi has a figure 5,
10 a figure 5L. And that's Exhibit 1007, page 44. And there's a lot of figures
11 on that page. There's 1, 2, 3, 4. There's 16 figures. It's labeled as an
12 uppercase L in parentheses. It's on the third row, the fourth column. And it
13 depicts a gear mechanism with intermeshed gears. And we have 9a, which
14 is an hour. And we have 9b which is a second hand. And it's hard to see,
15 but 9c refers -- 9c is the second hand, 9b is the minute hand. I stand
16 corrected. 9a is the hour hand. It's hard to see the figure so small. But isn't
17 that really a simulation in Satoshi of a mechanical gear mechanism on a
18 watch display?

19 MR. LAMBRIANAKOS: Yes, Your Honor, we're not arguing that
20 Satoshi doesn't provide a simulation. Our argument is that the grounds of
21 the petition are that there's a motivation to combine and that limitation 1d is
22 met because both references show simulations, and they're combinable
23 because they both have simulations, and they together disclose simulations.
24 Right?

25 This isn't a petition that says that Mooring has a watch and it would be
26 obvious to take all of the simulation information, all of that from Satoshi,

1 and put it on a plain watch. The petition makes the argument that Mooring
2 does a simulation. And like Mooring, Satoshi does a simulation, and it
3 would be obvious to combine them. It would be nice to have a simulation
4 on a watch with all these other gears.

5 The natural -- the argument that's being made and what the Petitioner
6 wants the Board to understand is that these two references are naturally
7 combinable. That a person of ordinary skill in the art would no doubt go to
8 Satoshi because not only does it have the hands that Mooring has, but it has
9 all these other gears, which would make it even better, and that is a
10 motivation to combine. That's their argument, and that's what they're asking
11 the Board to find. They don't have an argument that if Mooring doesn't
12 show a simulation, it's still obvious. They don't have that.

13 And so they would be asking the Board, apparently, in their reply,
14 they try to say that Satoshi reference is like an independent reason that 1d is
15 met. But their petition doesn't say that it's an independent reason. They
16 recognize that Mooring doesn't have a simulation and they are trying to pivot
17 to a different type of combination which has different nature, which is just
18 taking a simulation from a portable device and putting it and importing it
19 into a wristwatch which doesn't have a simulation. Mooring is just a
20 wristwatch. It's a wristwatch.

21 The invention of Mooring, if it has one, is the idea of the modularity,
22 right. That you could take your module out and you could put it someplace
23 else. You could put in a different module if you like, depending on what it
24 is you'd like to wear that day. That's what Mooring is. Mooring is not about
25 simulations at all.

1 And so, how do we have a petition that shows by a preponderance of
2 the evidence that this combination is obvious if the fundamental premise that
3 Mooring and Satoshi are both simulations is false? That's --

4 JUDGE COURTENAY: Mr. Lambrianakos, correct me if I
5 misunderstand the reference, but I'm looking at figure 7 of Mooring.
6 Mooring is Exhibit 1005. And I believe these are depictions of various
7 devices that are different embodiments described in Mooring. And we have
8 a depiction of it looks like a cell phone 700 and then we have a wristwatch
9 710 in figure 7 of Mooring. Why is not this proffered combination by
10 Petitioner just simply a combination of familiar elements using known
11 methods to realize a predictable result under KSR?

12 MR. LAMBRIANAKOS: Well --

13 JUDGE COURTENAY: I mean, even if Satoshi is directed to an
14 application that runs on a cell phone, we do have a cell phone in figure 7 in
15 Mooring, and we have a wristwatch in figure 7 of Mooring.

16 MR. LAMBRIANAKOS: Well, you have a cell phone in figure 7
17 because I believe that the suggestion is you could take the module of the
18 wristwatch of Mooring and you could insert it into a cell phone. This isn't a
19 combination --

20 JUDGE COURTENAY: Okay.

21 MR. LAMBRIANAKOS: -- of things which one might be able to
22 display on a cell phone, including software that depicts a simulation of a
23 clock, and you could therefore take that and put it into a watch. It's the
24 opposite. You're taking a module which can have an LCD screen which can
25 show a digital readout of the time, among other things, and you can put that
26 into different devices. That's what Mooring is talking about here. Mooring

1 is not suggesting that it has a simulation or that the device itself can be used
2 to import from a different type of device, a simulation, you know, and have
3 it run in the Mooring device. Mooring is not showing simulations. And
4 that, the necessity, the Board's -- excuse me. The petition makes very clear
5 that the fundamental premise of the combination is the fact that Mooring has
6 a simulation and that you would naturally go to Satoshi to get additional
7 features for the simulation for the combination.

8 JUDGE COURTENAY: Okay, as I understand you, but why would
9 not an artisan, a POSITA, person having ordinary skill in the art, if you
10 combine the intermeshed gears and figure L of Satoshi as depicted in figure
11 5, actually it's drawing out. And you combine that into an electronic module
12 of Mooring. Why would that not realize a predictable result?

13 MR. LAMBRIANAKOS: Well, to begin with, it's not in the petition.
14 And so, this would be sort of a new ground of invalidity. And as I
15 understand it, we're here to test the petition. And so, I take this as a
16 hypothetical type question, but it wouldn't be obvious, as we've discussed,
17 for the reasons that were touched on at the beginning of the Petitioner's
18 presentation, which is that firstly, these are two different types of devices.
19 We presented evidence and our experts said that based on his experience that
20 at the time of the invention, that the type of programming that was done on a
21 wristwatch was this type of bare metal programming and that the devices
22 that Satoshi, the Satoshi-type device is a different, completely different type
23 in that it will have an operating system, it will have a programming
24 environment, it will have resources that are beyond those that are found in a
25 watch in terms of memory and things of that nature. Bare metal
26 programming is not assembly level programming. In assembly, an

1 assembly, you still have an operating system, right? An operating system is
2 what sort of gives you the interface between --

3 JUDGE COURTENAY: Yeah.

4 MR. LAMBRIANAKOS: -- the hardware resources of a device and
5 the user, the user who's trying to program it. Right? And that's --

6 JUDGE COURTENAY: Mr. Lambrianakos. Back in the '80s, I
7 coded in assembly language and I coded embedded systems, and we had no
8 operating system. I mean, I've done that myself. It's ancient history now, 40
9 years ago, but. And you know, moreover, I mean, these terms, an operating
10 system or bare metal programming, where you have, you don't have an
11 operating system, where you don't have applications running within, under
12 the supervision of an operating system. These terms are not in claim, not in
13 any of your claims.

14 MR. LAMBRIANAKOS: We're discussing, I believe, Your Honor,
15 the interchangeability of Satoshi invention, the Satoshi disclosure with the
16 Mooring disclosure. The Mooring disclosure says that there's a processor,
17 and at the time, there were not operating systems which were available. The
18 resources that were available were much different than what were found in a
19 Satoshi device. So the expert on the Petitioner side said, these are
20 interchangeable. You could just interchange them, right.

21 But he doesn't know whether they're interchangeable. He's not
22 qualified to discuss whether you could just take a programming, whether
23 you could take the software and the environment of Satoshi and just import
24 it into a watch. And that was the major point that we were making as far as
25 combinability is concerned, and whether Petitioner's expert was even
26 qualified to opine on whether a person of ordinary skill in the art would

1 recognize that you could make that type of combination, that you could
2 import the functionality of Satoshi into a watch, and you would have a
3 reasonable expectation of success in doing so.

4 You have a much more primitive environment in a watch in 2010 than
5 you do in a portable device in 2010. And so, it's not the simple, simple task
6 of saying, all I need to do is take functionality and put it in a watch. Our
7 expert says that, you know, primarily speaking, it was a much more
8 primitive environment. That when you do bare metal programming, you
9 have to, yourself, take care of the device, all the device hardware. You have
10 to be able to program the memory, you have to be able to program the
11 display. These all have to be done directly. And that is a much different
12 task than programming a device like Satoshi.

13 And there's no evidence from their expert that supports, that provides
14 reasoned, factual analysis of why that interchangeability exists. Their expert
15 really didn't even describe what the state of the art was leading up to 2010 in
16 the watch area because the expert had no experience with small wearables.
17 Now, I understand that Petitioner raised an argument at the beginning about,
18 you know, how small is small, how small does a small wearable have to be.
19 That's nowhere in Petitioners papers. It's a new argument. I don't think
20 they're -- you know, there was plenty of time for them to try to say that
21 there's something vague about what a small wearable is. But certainly a
22 mobile device like Satoshi is not what we're referring to when we're talking
23 about the technology in a small wearable like what Mooring has.

24 JUDGE COURTENAY: Thank you very much for your explanation.
25 Thank you, Mr. Lambrianakos.

26 MR. LAMBRIANAKOS: Thank you.

1 JUDGE LEE: It's Judge Lee. I have a couple of questions. One has
2 to do with this assembly language. I've done that too, years back. It doesn't
3 involve an operating system. You have to actually code, manipulate,
4 register contents. On this record, bare metal embedded coding is simply
5 coding without the aid of an operating system where you have to directly
6 program the hardware. Assembly language programming seems to fit right
7 in to this definition. I know that you disagree. You told us that it's not. But
8 you're not an expert. We don't have any expert testimony from your side
9 saying assembly language programming is not bare metal embedded coding.
10 All we have is, well, if you do it without operating system assistance, and if
11 you directly program the hardware, then it is. So, on that basis, why isn't
12 assembly language programming a form of bare metal embedded coding?

13 MR. LAMBRIANAKOS: Assembly language programming, as I
14 understand it, is programming which is done, it's compiled, and the output of
15 the assembly language program is a machine language program which runs
16 on hardware.

17 JUDGE LEE: Exactly. The assembly code also manipulate register
18 contents. It's not a high-level programming.

19 MR. LAMBRIANAKOS: That's true. It has very, very basic
20 operations such as reading and writing from registers, adding two values
21 from different registers and storing them somewhere else, moving
22 information from one register to another. I vaguely remember all this from
23 my day's programming as well. But my understanding of bare metal
24 programming is that you don't even have, you know, an interface where
25 you're writing this kind of code. You're basically programming directly not
26 only the processor itself, but everything that's involved in manipulating the

1 other peripherals in the device, such as the memory, any input output, et
2 cetera. And that --

3 JUDGE LEE: Maybe it's true.

4 MR. LAMBRIANAKOS: -- that can --

5 JUDGE LEE: Maybe it's true. But it's just you telling me this. But
6 we got to look at the record. What does the record say? The record just says
7 do it without operating system assistance and directly manipulating the
8 hardware. And assembly language fits that.

9 MR. LAMBRIANAKOS: It does.

10 JUDGE LEE: So, how do you exclude it? How do you exclude it?

11 MR. LAMBRIANAKOS: Our point, first of all, Your Honor, as the
12 Patent Owner, we don't have the burden to exclude the combination. Our
13 job is to show how the Petitioner hasn't met their burden of showing the
14 interchangeability between the Satoshi device and the watch device of
15 Mooring. So, what we're pointing out is that there was no evidence
16 presented to support the concept that these were two devices that were easily
17 interchangeable technically, that a person of ordinary skill would quite
18 simply take the programming of and the functionality of Satoshi and put it
19 on Mooring. That's what they have to show by preponderance of the
20 evidence. Their declaration --

21 JUDGE LEE: You also, I'm sorry, you also are trying to disqualify
22 their expert. And that's on the basis that he has no bare metal embedded
23 coding experience. But in his reply declaration he puts forth a bunch of
24 stuff, some of which expressly says bare metal embedded code, some says
25 assembly language programming. If you add all of them up, it's quite
26 substantial. So, if you cannot exclude assembly language programming, it

1 seems like he is experienced in bare metal embedded coding and you cannot
2 exclude his testimony on the basis that he's not qualified. So, at least in that
3 respect, you have to be able to tell me why we should exclude assembly
4 language programming from bare metal embedded coding. If you cannot,
5 then he qualifies.

6 MR. LAMBRIANAKOS: I think that the fact that he didn't have bare
7 metal programming, in our understanding, was evidence of the fact and
8 further showed why he's not qualified to testify about small wearable
9 devices. He has no experience developing small wearable devices.

10 JUDGE LEE: I'm sorry, can you, can we not, not move around? I
11 just want to focus on assembly language programming. He's put forth a lot
12 of evidence, he's done a lot of that. And it seems to me that is bare metal
13 embedded coding. Are you able to tell me, give me a reason to exclude that?

14 MR. LAMBRIANAKOS: Well, I don't think that there's anything in
15 the record that supports that assembly language programming and bare metal
16 programming are interchangeable. I think bare metal programming is a low-
17 level basic type of programming that involves more than simply just the
18 assembly language programming which involves programming the
19 processor. Bare metal programming involves, in a device, involves being
20 able to control the entirety of the peripherals in a device without the help of
21 any --

22 JUDGE LEE: I appreciate your view, but I need something in the
23 record. Does your expert say that? Or do you have some exhibit that says
24 that?

25 MR. LAMBRIANAKOS: We just had paragraph 45 of Exhibit 2004,
26 which is the declaration of our expert in which he says that in his experience,

1 wearable devices were programmed primarily with bare metal embedded
2 code. Other mobile devices, presumably Satoshi device, had full mobile
3 operating systems. These devices ran multi-threaded software to implement
4 functionality. Bare metal embedded code without any OS must incorporate
5 similar functionality with far less software and hardware resources. Goes on
6 to talk about power consumption, et cetera.

7 JUDGE LEE: Yeah, that would include assembly language
8 programming.

9 MR. LAMBRIANAKOS: Well, our understanding is that, you know,
10 bare metal embedded code is specific to these kinds of devices and it's not
11 the same as simply assembly language programming of a personal --

12 JUDGE LEE: Well, it's not in paragraph 45, right? I mean, really, I
13 appreciate what you're trying to tell me is what you think. I want to see
14 what your expert said. All you're telling me is paragraph 45. It doesn't say
15 what you're saying. It seems to be broad enough to cover programming
16 registers by assembly programming.

17 JUDGE COURTENAY: This is Judge Courtenay. I'm trying to keep
18 track of the time here. Both sides have had approximately 38, 39 minutes
19 for the primary arguments. I would suggest that we take a short break here
20 of three or four minutes and we resume with the rebuttal arguments. And
21 Mr. Lambrianakos, if you need more time to find evidence, that'll give you
22 some extra time, perhaps, to find what you're looking for. Anyone have any
23 objection to that?

24 MR. LAMBRIANAKOS: Thank you, Your Honor.

25 JUDGE COURTENAY: So we'll take a break and we'll come back at
26 2:25. How about that? Is that agreeable?

1 MR. LAMBRIANAKOS: Yes, sir.

2 MR. PEREIRA: Yes, sir.

3 JUDGE COURTENAY: Okay. Okay, thank you. I'm going to turn
4 my camera off. I'll be back in five minutes. Thank you.

5 (Recess.)

6 JUDGE COURTENAY: Yes. Welcome back everyone. We went a
7 little bit over time. But would it be agreeable if we give both Petitioner and
8 the Patent Owner 15 minutes to do, each, to do your closing rebuttal? Is that
9 agreeable? That would be a little bit over our 45-minute time allotted to
10 each party, but we're discussing some very important issues here, so. Would
11 that be agreeable to both of you?

12 MR. LAMBRIANAKOS: Yes, Your Honor.

13 MR. PEREIRA: Yes, Your Honor, for Petitioner as well. Fifteen
14 minutes.

15 JUDGE COURTENAY: Mr. Lambrianakos, is that agreeable?

16 MR. LAMBRIANAKOS: Yes, Your Honor.

17 JUDGE COURTENAY: Thank you. Petitioner, you go first, Mr.
18 Pereira.

19 MR. PEREIRA: Thank you, Your Honor. Just a few points and I
20 hopefully don't take all 15 minutes, in fact. Judge Lee, in our earlier
21 exchange at the beginning and also it seemed to come up with the discussion
22 with counsel for Patent Owner, you'd ask me whether or not Dr. Bederson
23 had some specific knowledge about bare metal coding, to loosely paraphrase
24 the line of inquiry you were asking. And I believe he addresses that in
25 Petitioner Exhibit 1052, which is the supplemental declaration in paragraph
26 29, where he says quote, unquote, nevertheless, I had specific experience of

1 this kind even back in 2010. This kind being bare metal embedded code.

2 So, I believe that addresses that point of your question.

3 The second point, insofar as Patent Owner's argument with regard to
4 Satoshi as having user input or automated or automatic functionality, unless
5 I've mistaken or misread something, there's no such limitation in claim 1 that
6 suggests that this, that user interactions or user input are excluded from the
7 scope of the claims. So, I think that that point is not particularly relevant to
8 the decision at hand.

9 And then the third and final point, there was some discussion, I
10 believe, by Patent Owner as far as Mooring and their, let's say, automation
11 or what's a more appropriate term, simulation. Excuse me. And I believe
12 Dr. Bederson and his deposition, this is Exhibit 2003 at page 30, he
13 discusses Mooring as describing a modular movement. And that's in the
14 abstract of the patent, which I'm not going to bother reading the whole thing
15 because Your Honors can do that just fine. And also in the context, when
16 that the figures, paragraphs 38 and 39 are considered discussing electronic
17 movements. You have modular movements, you have electronic
18 movements, you have computer-based movements. I think all points in the
19 direction and supports the Petitioner's original argument, which again Your
20 Honors have preliminarily agreed with in the Institution decision that
21 Mooring provides sufficient basis when combined with Satoshi to render
22 claim 1 and then obvious with the remaining ancillary points that continue
23 on through the various grounds.

24 So those are the only three points I wish to raise now. Obviously, the
25 first one, just getting back to Judge Lee on his question. And so, I defer my
26 remaining time.

1 JUDGE HORVATH: This is Judge Horvath. I have a question for
2 you.

3 MR. PEREIRA: Yes, sir.

4 JUDGE HORVATH: My understanding from my discussion with Mr.
5 Lambrianakos, I hope I pronounced that correctly, concerning Satoshi,
6 paragraphs 87 and 88. And I'm going to sort of paraphrase what I think is
7 the point that Mr. Lambrianakos is trying to make, or not trying to make, did
8 make, is that Satoshi defines the current time in paragraph 87 as the time that
9 a user obtains the clock function of the phone. And so, when Satoshi refers
10 in paragraph 8 to advancing the clocks to the current time, he's really
11 advancing it to the time that was obtained when the user first requested it
12 from the clock.

13 MR. PEREIRA: Mm-hmm?

14 JUDGE HORVATH: So, regardless, I guess, of whether or where the
15 user places the hands, that when the user exits the edit mode in paragraph
16 88, the hands are advanced to the current time. And that doesn't mean the,
17 sort of, correct time necessarily. It means the time that was retrieved from
18 the clock function when the user first entered the edit mode. So, I guess I
19 just want to give you an opportunity to -- do you agree with that? Do you
20 disagree with that? Is there a different understanding of what Satoshi is
21 teaching in these two paragraphs 87 and 88?

22 MR. PEREIRA: Thank you for the question, Your Honor. I believe
23 that's addressed by Dr. Bederson. Again, referring to his deposition
24 testimony Exhibit 2003 at page 40. I think it may have been referred to
25 previously. And just sort of highlighting some of the key points that he
26 answered at this point because it was relevant to Satoshi. This is not a new

1 issue. This is an issue that's been raised probably since the outset of Patent
2 Owner's initial preliminary response. But certainly, in paragraph 87, Satoshi
3 adjusts the hands of the clock, that is the time represented by the simulation,
4 to match the underlying clock of the mobile phone. I think there was a lot of
5 discussion of that during Patent Owner's discussion with Your Honors. And
6 then he goes on not only of 87, that is referring to paragraph 87, but also the
7 following paragraph 88, where it provides additional detail. Again, this is
8 how he interprets it, provides additional detail wherein further description of
9 the synchronization process, it says in part outline 4 of paragraph 88, and
10 when drawing the hands 9, the hands 9 advance to the current time and are
11 redrawn, which tells me there was a process by which the hands advance to
12 the current time. That's not describing them all being adjusted individually
13 by the user. So, that I believe, answers, or at least provides our context into
14 your line of inquiry, Your Honor.

15 JUDGE LEE: What paragraph is that from declaration Exhibit 1003?

16 MR. PEREIRA: It's Exhibit 2003. This is Patent Owner exhibit page
17 40.

18 JUDGE LEE: Okay, thank you.

19 JUDGE HORVATH: And I have two other questions that relate to
20 claim construction, and that is, going back to claims 10 and I believe it's 12,
21 which you did construe in your petition as being means-plus-function
22 claims. And as Judge Lee was questioning you, it seems like, at least for
23 claim 12, for the means for entering and executing, if we were to find that it
24 requires, that claim requires two functions, one is to enter a request and the
25 other is to execute the request, what would you identify as the means for
26 executing the request?

1 MR. PEREIRA: Just give me one moment, please. Well, as Your
2 Honors know, you are limited for 112-6 paragraph in terms of what's the
3 underlying structure defined in the specification and in the petition. As Your
4 Honors are aware, the only disclosure that seemed relevant to construing
5 what the means for was in column 8, lines 44 to 49 with reference to figure
6 2. And I believe it still comes back to, perhaps, our discussion in the earlier
7 part of my presentation to the Board, that the execution presumptively runs
8 through the, you know, the mechanism by which the watch itself is running,
9 whether it's code or program or some operating system. And that's what's
10 executing the request from the entering of the request. So, the -- and so, as
11 we discussed in the petition, this is in the petition, the original petition at
12 pages 9 and 10, that the portion of the specification describes two
13 synchronous, excuse me, two synchronization modes, one automatic and the
14 other manually by the user. The latter is the one relevant to the recited
15 function since it is performed, quote, unquote, by the user. So it's some sort
16 of push button or touch sensor, as presented in the petition. Does that
17 answer your question, at least --

18 JUDGE HORVATH: Well --

19 MR. PEREIRA: -- to your sense --

20 JUDGE HORVATH: Yes and no. I mean, arguably, I would say that
21 I understand how the push button is the means for entering the request.

22 MR. PEREIRA: Mm-hmm?

23 JUDGE HORVATH: But once the push button is pushed, the request
24 has to be executed. So then, the question is, what does the executing. What
25 is the corresponding structure disclosed in the specification that performs the
26 executing of that request?

1 MR. PEREIRA: Well, presumptively, it's the processor or the
2 program. Of course, the '033 Patent is fairly thin on details as to what's
3 magical about the processor or operating system that makes this thing work,
4 this thing with the claim of the wristwatch device. But that's the
5 presumption and inherent understanding that I have.

6 JUDGE HORVATH: Okay, thank you.

7 JUDGE LEE: Mr. Pereira. It's Judge Lee, if your expert is correct
8 about Satoshi's paragraph 87 and 88 that the processor will redraw the hands
9 according to the current time, why does Satoshi talk about or have a concern
10 with respect to the user taking a while to actually, you know, input or
11 manipulate the hand, but you know, if the processor is going to update
12 according to the true time at the moment anyway, then why is there a
13 concern about how much time the user takes to do the adjust?

14 MR. PEREIRA: Well, directly, I don't know what Satoshi, why
15 Satoshi decided to present the disclosure in that way. My initial thought is
16 that there are two different embodiments that can be combined or not
17 combined. So, in one instance, you have a user inputting the time that again
18 could cause the delay that you discuss. Or any other embodiment, the user
19 would input the time, and it would synchronize automatically, if you will.
20 So, but to the underlying, your actual question, I can't say I can give you an
21 answer.

22 JUDGE LEE: But your proposed -- I mean, having two embodiments
23 actually makes sense. One, it matters how long it takes. The other one, it
24 doesn't matter. That --

25 MR. PEREIRA: I mean, that's one interpretation of what's written
26 there. Because other, you know, if you, if you take what your -- the

1 foundation of your question at face value, that those two things seem to be
2 somewhat inconsistent with each other, a reasonable reading. And I think
3 that's what the reading of the expert Dr. Bederson provides is that, well, on
4 one hand you adjust the clock that would match the underlying clock of the
5 mobile phone. And there could be some issues with time delay. So, another
6 way to potentially solve this or not solve it, but so much as address it, would
7 be where there would be an automatic or an auto-synchronization once you
8 set the time.

9 JUDGE LEE: Oh, I see. So in that there would not be two
10 embodiments, it would just be one embodiment. The user would draw it,
11 and the computer would synchronize it to the current time.

12 MR. PEREIRA: Well, I mean, I think the lack of specificity in terms
13 of, you know, doesn't say in one embodiment and the second embodiment. I
14 mean, there's two ways to look at it. And I think one way is that there are
15 two different embodiments. Another way is what you just said, which is you
16 don't have to worry about synchronization or, excuse me, a delay in input of
17 the time because it's going to synchronize. So I think there's two ways to
18 look at it.

19 JUDGE LEE: Yep.

20 MR. PEREIRA: All right? So unless there's any other questions, I'll
21 put myself on mute and hand it over to opposing counsel.

22 JUDGE COURTENAY: Thank you very much, Mr. Pereira. Mr.
23 Lambrianakos, you have your full 15 minutes. Petitioner went about 13
24 minutes, but you have your full 15 minutes of time remaining. So, begin
25 anytime you wish.

1 MR. LAMBRIANAKOS: Thank you, Your Honor. With respect to
2 the issue of whether Petitioner's expert was qualified, we'll opine on the
3 issues. I'd like to point to the Board in Exhibit 2004, which is our expert's
4 declaration, the discussion regarding why Patent Owner took the position
5 that Dr. Bederson's claim that the two devices of Mooring and Satoshi were
6 interchangeable, including a discussion about the fact that wristwatches
7 themselves don't have the type of computing power, et cetera, that you find
8 in a device such as Satoshi. Looking at paragraph 51 through 53 and then
9 again paragraph 55, in which we discussed, at the time of the invention, the
10 differences between programming a wristwatch, particularly with issues
11 such as power management, computing power, et cetera, which are different
12 from those which are found in a mobile device. And so, our point of view
13 was that the interchangeability arguments that were provided by Dr.
14 Bederson were not supported by sufficient information, and that he, as
15 someone who had not worked in the area of small wearables, but in fact had
16 just professed to having worked on touch screens, would not have been in a
17 position to opine on those matters.

18 Regarding Satoshi, that the disclosure from paragraph 85 through 88
19 made clear that the operation of the, sort of, synchronization function is one
20 which is only attributed to the user in this translation, and it's not attributed
21 to the microcontroller performing those steps. I'll note that in paragraph 88,
22 where it says the execution mode is returned to, rotation of the hand 9
23 recommences, that is consistent with our understanding of Satoshi, which is
24 that once the user has completed the synchronization operation, then the
25 hands themselves can begin to rotate again. When the user is redrawing the
26 hands, the hands, of course, are advanced to the current time. That is how

1 the user is doing the synchronization. And that reading, we believe, is
2 consistent with the fact that nothing here discloses, either explicitly or
3 otherwise, that there's activity other than that of the user which is taking
4 place during the editing mode.

5 Regarding --

6 JUDGE HORVATH: I've got a question. So, based on what the
7 Petitioner said, he entered or at least introduced this notion that perhaps it's
8 describing two different embodiments. And looking at paragraph 88, it
9 starts out, now that when a time display is enabled using the hand, hour
10 hand, the minute hand, and the second hand in editing mode, editing is
11 performed with the gear stopped, which is a state in which the rotation of the
12 hands are stopped. The execution mode is returned to, rotation of the hands
13 recommences, and the hands are advanced at the current time. Now, if that's
14 actually a second embodiment, I mean, there are -- obviously, it could be
15 referring to the same embodiment, in which case when they talk about the
16 editing mode, they're talking about the editing mode in which the hands are
17 set, the positions of the hands are set. But isn't it true that there's other
18 editing modes in Satoshi? For example, you can change the colors of the
19 gears, or you can change how many gears there are, or you can change the
20 size of the gears. Those are the other editing modes. And is it possible that
21 that's what Satoshi is referring to here, that the editing mode or is a different
22 editing mode as opposed to the editing mode where we're actually setting the
23 hands?

24 MR. LAMBRIANAKOS: I don't believe that paragraph 88 is
25 referring to anything other than a single embodiment for performing
26 synchronization. I understand that paragraph 67, for example, discusses the

1 editing mode and the fact that there are different ways of doing editing, but
2 the one which is described in paragraphs 85 through 88 is best understood as
3 being a single embodiment. There certainly isn't, you know, any argument
4 in the papers, and I don't see a basis for interpreting paragraph 88 to describe
5 two different ways of performing synchronization or -- I don't think there's
6 evidence for that.

7 JUDGE HORVATH: Okay, thank you. I did have a question. I
8 wanted you to have the opportunity to respond. I am a little bit concerned
9 about the claim construction issue. And I understand that in your Patent
10 Owner response you didn't put forth the claim construction issue. You didn't
11 really take a position as to whether claims 10 and 12 were in fact means plus
12 function claims and if they are, what the corresponding structure was. So,
13 I'm going to ask you, one, do you have a position? Are they means plus
14 function claims, and if not, why not? And if they are means plus function
15 claims, what is, in your view, the corresponding structure? And can you
16 identify that in the specification for us?

17 MR. LAMBRIANAKOS: Your Honor, we did not take a position
18 with respect to means plus function in the papers. As at first blush, I believe
19 that the means language here -- well, Your Honor, I'm not prepared to take a
20 position on means plus function at this time. I don't think that it's
21 appropriate for me to deal with that issue for the first time without further
22 consideration. I would just note Petitioner has the burden to have construed
23 the claims if they're means plus function and to provide corresponding
24 structure in order to be able to meet its burden on invalidity. If that hasn't
25 happened, then those claims should not, should certainly not be canceled.
26 But we don't have a position to take at this time regarding specifically

1 whether they're means plus function and exactly what the corresponding
2 structure and specification is.

3 JUDGE HORVATH: Well, let me ask you this. You know, if we
4 were to construe the claims and say they were means plus function, you
5 know, I think we would arguably need to get your input as to why. I think
6 the Federal Circuit is not particularly happy when -- we didn't construe the
7 claims in the Decision Institute. And the Federal Circuit generally has told
8 us that if we do change the claim construction or present a construction that
9 hasn't been previously presented, we have to give the parties an opportunity
10 to respond. And so, I guess my question for you, you're saying you're not
11 prepared to respond today, how much time would you need to respond?
12 You know, if we were to order you to respond within a week, would that be
13 sufficient, that you can file a paper to tell us what the means are or if they
14 are means plus function or not, and if they are what the corresponding
15 structure is?

16 MR. LAMBRIANAKOS: Yes, Your Honor, we can do that in a
17 week.

18 JUDGE HORVATH: Okay.

19 JUDGE COURTENAY: Mr. Lambrianakos, you've got about eight
20 minutes left in your rebuttal.

21 MR. LAMBRIANAKOS: Thank you, Your Honor. The final point,
22 which won't take nearly eight minutes, is that I didn't hear any argument, and
23 I don't believe the abstract of Mooring supports a position that there is a
24 disclosure of a simulation in Mooring. I think that there's been no citation to
25 any part of the specification that even suggests that Mooring discloses a
26 simulation or is even interested in or, you know, would provide any enabling

1 disclosure of a simulation. In fact, there's nothing at all to suggest that the
2 electronic movement using a quartz with an analog display is anything other
3 than the typical physical display of physical hands and not an electronic or
4 graphical representation or simulation of analog, of an analog display. And
5 so, we don't think there's any real dispute here. We think the record is
6 devoid of anything that the Board could --

7 JUDGE COURTENAY: Mr. Lambrianakos, you're on mute right
8 now. For some reason, you're muted. We can't hear you.

9 MR. LAMBRIANAKOS: Apologies. I'm not sure how that
10 happened,
11 but --

12 JUDGE COURTENAY: Okay.

13 MR. LAMBRIANAKOS: -- thank you for letting me know. In
14 summary, the point, my point here is that Mooring doesn't explicitly disclose
15 the simulation. And there's nothing in Mooring that could even suggest that
16 Mooring was in possession of anything other than analog, an analog display
17 of physical hands rather than a simulation.

18 That's all I have, Your Honors, unless there are any questions.

19 JUDGE COURTENAY: Okay, you still have five minutes left. So,
20 you're going to forfeit the five minutes. You're done?

21 MR. LAMBRIANAKOS: Yes, Your Honor.

22 JUDGE COURTENAY: Okay.

23 MR. LAMBRIANAKOS: The five minutes are back to everyone else
24 here.

25 JUDGE COURTENAY: Thank you very much, Mr. Lambrianakos,
26 Mr. Pereira. And unless there are any further questions from my colleagues,

1 that concludes this hearing in IPR2024-00006. But we would like the parties
2 to stay on the line in case we have questions from the court reporter
3 regarding spellings and other questions the court report reporter typically
4 has. So, if you could stay on the line for a few minutes, and then we're done
5 for the day.

6 MR. PEREIRA: Understood. Thank you, Your Honor.

7 MR. LAMBRIANAKOS: Thank you, Your Honor.

8 JUDGE COURTENAY: Any questions from the court reporter for
9 the parties?

10 COURT REPORTER: Yes, sir, I do have a few. Because references
11 and whatnot, but usually I do that after the Judges leave. Counsel, if you
12 would just hang on for a minute, please.

13 MR. PEREIRA: Sure, no problem.

14 (Whereupon, the proceedings at 2:50 p.m. were concluded.)

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Patent 8,588,033 B2

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