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Transcript of PTAB Conference Call

Date: July 26, 2024

Case: Amazon.com, Inc., et al. -v- Nokia Technologies Oy (PTAB)

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WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

Transcript of PTAB Conference Call
Conducted on July 26, 2024

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1 UNITED STATES PATENT AND TRADEMARK OFFICE 2 3 BEFORE THE PATENT TRIAL AND APPEAL BOARD 4 5 6 AMAZON.COM, INC, AMAZON.COM SERVICES, LLC, 7 Petitioner 8 9 v 10 11 NOKIA TECHNOLOGIES OY, 12 Patent Owner 13 14 Case IPR2024-00626 15 U.S. Patent No. 11,805,276 16 17 Hearing July 26, 2024 via telephone 18 19 20 21 22 23 Job No. 547021 24 Carol L. Crawley, CSR 7518 25	3 1 LOS ANGELES, CALIFORNIA; FRIDAY, JULY 26, 2024 2 10:00 a.m. 3 4 5 Mr. Liang: This is Jeff Liang. I'm with 6 Sheppard Mullin. I'll be speaking on behalf of the 7 Petitioners. Also on the call with me are my colleagues 8 Harper Batts and Fred Qiu, also of Sheppard Mullin. 9 We also have the court reporter on the line. 10 Honorable Judge Repko: Who do we have on the 11 call for Patent Owner? 12 Mr. Hejny: Good afternoon, your Honor, this 13 is Scott Hejny from McKool Smith on behalf of Patent 14 Owner Nokia. And with me on the call is my colleague 15 Eric Hansen. 16 Honorable Judge Repko: Thank you. 17 The purpose of this call is to discuss 18 petitioners request from their reply to Patent Owner's 19 preliminary response for these IPR's. 20 I will give each party an opportunity to 21 respond to either party's arguments. I may pause the 22 call momentarily to discuss the arguments with the other 23 judges on the panel. 24 In the e-mail you did note the number of 25 pages. We would also like to know if it's two weeks
2 1 A P P E A R A N C E S 2 3 FOR PATENT OWNER: 4 Sheppard Mullin Richter & Hampton LLC 5 By: Harper Batts, Esq. 6 By: Jeff Liang, Esq. 7 By: Fred Qiu, Esq. 8 1540 El Camino Real 9 Suite 120 10 Menlo Park, CA 94025 11 650-815-2600 12 FQiu@sheppardmullin.com 13 14 15 16 17 18 19 20 21 22 23 24 25 FOR PETITIONER: 12 MCKOOL SMITH P.C. 13 By: Scott W. Henjy, Esq. 14 By: Eric S. Hansen, Esq. 15 300 Crescent Court Suite 1200 16 Dallas, TX 75201 17 214-978-4000 18 shenjoy@McKoolSmith.com	4 1 within receiving authorization, so if we were to grant 2 we would like to know what the timeframe would be as 3 well. 4 So, we will start with petitioner's counsel. 5 Can you please explain specifically why there is good 6 cause to file a reply here. 7 Keep in mind I do not need to know the merits 8 of the arguments and our focus should be on good cause. 9 Mr. Liang: Thank you, your Honor. 10 So, this is Jeff Liang speaking. 11 We requested briefing on two separate issues, 12 and I will address them in turn. 13 So, starting, first there is the Advanced 14 Bionics. Across the grounds there is only one 15 reference, Karczewicz Two, that was cited in an IDS and 16 the petitions other references were not cited at all. 17 So this isn't a situation where any other 18 references were used in an office action and instead 19 Patent Owner's arguments fall really on the outer 20 periphery of section 325D. 21 And they are arguing that teachings from our 22 art overlaps with teachings from different 23 references in the file history. 24 So, this is -- this is the type of situation, 25 and in fact, that the director has made clear that

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5 1 section 325D, you know, often warrants pre-institution 2 briefing in these types of scenarios. 3 So, for example in Google v. Valtrus, 4 IPR2022-01197 paper 12, Director Vidal sua sponte 5 granted direct review and found that the petitioner had 6 good cause to submit a preliminary reply on section 7 325D issues, and that the board had erred in denying 8 that request. 9 So, here there is good cause because patent 10 Owner's arguments are based on various attenuated 11 circumstances that fall far outside the norm for section 12 325D. 13 The primary prior art references need grounds 14 so Walker for Ground One and Karczewicz One for Ground 15 Two were never presented to the Patent Office at all. 16 They were not used on this action, not even cited during 17 prosecution. 18 And a secondary reference Karczewicz Two was 19 only cited in an IDS, but also never used in any office 20 actions. 21 So, the board often grants preliminary 22 briefing on Section 325D, and there is good cause to do 23 that here. 24 On the second issue -- 25 Honorable Judge Repko: I need to clarify the	7 1 even though never presented and also Walker, have 2 similarities with other references that were cited in 3 IDS forms, so we would address the alleged similarities. 4 And also we would address -- they did also 5 compare, you know, they make a lot of arguments about 6 how Karczewicz Two, which is the cell phone reference 7 cited in IDS resembles other art that was cited in the 8 IDS. There are many pages of analysis on that. So we 9 also, I guess, address those arguments even though in 10 some ways they are irrelevant since Karczewicz Two 11 itself was already cited. 12 But, yes, we would address the argument they 13 raise that the references, particularly the primary 14 references are similar to references that were to other 15 references from different Patent families that were just 16 cited in IDS forms. 17 And we would also argue and explain that that 18 Patent Owner's other arguments they use regarding the 19 file history to try to link up, for example, Walker and 20 Ye are very misleading, and they mischaracterize what 21 actually happened. 22 So, we would address that as well in the 23 briefing. 24 Honorable Judge Repko: From Prong Two, you 25 are going to clarify, in your view, the prosecution
6 1 situation, make sure I understand your request. 2 So, in this case there was one reference of, I 3 guess, three that were presented to the office 4 previously, and you discussed that in your petition, and 5 you acknowledge that there was at least one reference 6 that was the same and considered by the examiner. 7 Mr. Liang: So, in one ground, the first 8 ground, there is only Walker, and it was not considered 9 or presented at all with the Patent Office. 10 And in the second -- for the second -- for the 11 second Ground for Karczewicz Two, one reference was 12 included in the IDS, and we did explain how it was on 13 page 86 of the petition, how it was just included in an 14 IDS along with 76 other references, and there is no 15 substantive analysis of it. So we did -- 16 Honorable Jason Repko: Sorry to interrupt. 17 I guess I am thinking so in Prong One you did 18 discuss in the petition to say that there is a reference 19 that is the same as the reference that was previously 20 presented to the office on Prong One. So even ten in 21 your -- you know, proposed briefing to discuss Prong 22 One, that is the similarity of the references? 23 Mr. Liang: Well, correct. 24 So, that is the thrust of Patent Owner's 25 arguments. Patent owner is arguing that Karczewicz One,	8 1 history as it relates to the other references that 2 Patent Owners discussing that weren't necessarily relied 3 upon in the petition but were alleged to be similar to 4 references that are used in the challenge. Is that 5 correct? 6 Does that include the scope of the briefing 7 that you are looking for? 8 Mr. Liang: I believe so, your Honor, yes, 9 that is the -- we would address their arguments that the 10 art relied on in the petition is similar to art that was 11 presented in an IDS. 12 Honorable Judge Repko: Okay. Second issue, 13 go ahead and proceed on that. I don't have any further 14 questions at this time about the first issue. 15 Mr. Liang: Okay. So for Claim Construction 16 Patent Owner has raised Claim Construction argument. 17 So Patent Owner admits, for example, on pages 18 one and 17 of the POPR that prior art reference - Walker 19 - teaches a type of prediction called a weighted 20 prediction. 21 And since the challenge claims near the first 22 and second prediction under the plain and ordinary 23 meaning Walker would teach a prediction. 24 To distinguish Walker, Patent Owner proposes a 25 Claim Construction for prediction. They argue that

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9 1 prediction should be interpreted to exclude this 2 particular type of prediction. 3 And if you look on page 46, they propose a 4 construction; that's where - and I am quoting from the 5 POPR - they state - the 267 Patent makes clear that the 6 prediction is a value obtained from the reference frame 7 using the motion factor, not some intermediate value 8 generated in the process of combining two predictions. 9 So, the -- and then after that the POPR goes 10 on for 11 pages to advocate for this -- to advocate for 11 this definition of prediction and to apply the 12 definition which precludes an intermediate values 13 against Walker. 14 But the claims do not actually say anything 15 about final versus intermediate values. So this is 16 Claim Construction, plain and simple, about the meaning 17 of the claim term prediction and additional briefing may 18 be needed. 19 Honorable Jason Repko: You already briefed 20 construction, right? The idea in the petition you said 21 that that term, you know, means whatever you said it 22 means, so how is this an unanticipated issue, for 23 example, that might give rise to good cause? 24 Was there a -- this report, oh, construction, 25 for example, or any new developments since you filed the	11 1 position? Is that why you think any additional briefing 2 on it? 3 Mr. Liang: Well, Patent Owner's arguments 4 they have -- they have not proposed the term for 5 construction, but they are claim -- they haven't in a 6 sense that they don't have a separate section called 7 Claim Construction where they listed their arguments, 8 but they took those same Claim Construction arguments 9 and they put them in a different section. 10 So in that sense, it is implicit in that they 11 didn't officially propose the term, but it is Claim 12 Construction because they do explicitly propose the 13 definition for the term prediction. 14 And their arguments are predicated on that 15 Claim Construction. 16 So, that would be something that would need to 17 get resolved -- would need to get resolved, because, in 18 fact, this type of strategy is very common -- is very 19 common in litigation where plaintiffs do not officially 20 propose a construction, even though they advocate for 21 it. 22 And it is so common that the federal circuit 23 has noted that they keep seeing these types of implicit 24 Claim Construction disputes in IPR's and they frequently 25 aren't labeled as Claim Construction by the parties, but
10 1 petition? I guess that is what we want to focus on 2 here. 3 Mr. Liang: Sure, Your Honor. 4 So, the petition proposed a construction for 5 precision. The term precision has been -- we are 6 dealing here with a different claim term - prediction. 7 And I know there may be one of the things that 8 Patent Owner has done in its briefing is it tried to 9 conflate the two, and it sometimes it is talking when it 10 talks about, you know, prediction it cites the thing 11 talking about precision. 12 So the Patent Owner has tried to somewhat 13 confuse the two things, but they are separate claim 14 terms that deal with entirely, well, separate concepts. 15 And so we proposed the construction for 16 precision which is the number of bits that is used to 17 represent a value as there hasn't been a -- we did not 18 propose a construction for prediction. 19 Honorable Judge Repko: So you are 20 characterizing their arguments as an implicit 21 construction when you, I guess, in the challenge itself 22 is there something maybe the construction in your 23 petition that you would end up having resolve the 24 dispute using, I guess, a formal construction in the 25 DI's, is that an accurate characterization of your	12 1 the Federal Circuit has held they are nonetheless Claim 2 Construction disputes because they establish the scope 3 of the claims. 4 So for example, the Federal Circuit has noted 5 this in the case HTC Corp v Cellular Communication 6 Equipment, LLC, 877 F.3d 1361, on page 1367 Federal 7 Circuit 2017. 8 And they also noted that in another case, 9 Google LLC v EcoFactor, Inc., 92 F.4th 1049 at page 10 1056, Federal Circuit 2024, and there is also other 11 cases as well. 12 So, here there is a definition that plaintiff 13 is actually proposing and that is the construction that 14 we are requesting briefing to explain to address and 15 good cause -- there is good cause to address this 16 because it is a new Claim Construction that they raised 17 and it is contradicted by the claims and specifications 18 which refer to intermediate values as predictions. 19 And also there is several mischaracterizations 20 in the file history that Patent Owner relies on to push 21 this contrary construction. 22 So, there is good cause to address this Claim 23 Construction. 24 Honorable Judge Repko: Thank you. No further 25 questions on that and neither do my colleagues. We will

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13 1 move on to the Patent Owner -- 2 Mr. Hejny: Sorry, your Honor, this is Scott 3 Hejny, are you ready for me? 4 Honorable Judge Repko: Sorry, I dropped off. 5 There would be no further questions for 6 petitioner at this time so we wanted to move on to 7 Patent Owner to get their response. Thank you. 8 Mr. Hejny: Your Honor, is it okay if I take 9 the argument in reverse order so I can immediately 10 address the Claim Construction issue? 11 Honorable Judge Repko: Yes, feel free. 12 Mr. Hejny: Okay, your Honor, Scott Hejny from 13 McKool Smith on behalf of patent owner Nokia. 14 The patent owner in this case is simply 15 relying on the plain and ordinary meaning of prediction 16 as the term is used and the specification of the 267 17 patent and the prior art. 18 This is similar to any other case that is 19 before the board. We have a Patent and we have prior 20 art and the petitioner is interpreting the prior art and 21 the Patent in one way and the Patent Owner is 22 interpreting it in a different way. 23 And without getting too deep into the weeds, 24 there is no need to construe prediction because the use 25 of prediction in the 267 Patent and all the prior art is	15 1 prosecution, the equations in those references are 2 identical. There are identical tables and identical 3 disclosures. 4 And again, those that identity exists between 5 the prosecution references and the references that have 6 been asserted in this petition. For example, one point 7 to keep your eye on, Your Honor, is the fact -- 8 Honorable Judge Repko: We don't need to get 9 into the merits; I will cut you off. 10 Let's move on the good-cause standard here and 11 focus on what each party has argued rather than getting 12 into the leads as to where they are and what points you 13 want us to focus on. 14 Mr. Hejny: Absolutely, Your Honor. 15 Just as an example, the Karczewicz reference, 16 there are multiple references that are authored commonly 17 by Ye and Karczewicz. 18 And it is Patent Owner's position that 19 petitioner had to be aware of that fact. 20 And because Ye references were cited during 21 prosecution as the basis for objections, and because one 22 Karczewicz reference was cited in an IDB, the petitioner 23 had to be aware that this issue was going to arise in 24 the context of 325D and petitioner should have addressed 25 this in their petition as opposed to in after the fact
14 1 consistent. 2 But what is happening here is that Amazon is 3 claiming that something that is not the understood 4 definition of prediction is actually a prediction and 5 reads on the challenged claims. 6 It is Patent Owner's position that there is no 7 implicit Claim Construction. There certainly is no 8 conflation between precision and prediction; those terms 9 are distinct. 10 And there is no need for additional briefing 11 on the matter because, again, Patent Owner believes that 12 the terms are defined within the four corners of the 13 specification of the 267 patent and that is why Patent 14 Owner does not propose a construction in the Patent 15 Owner's preliminary response. 16 Honorable Judge Repko: Thank you. No further 17 questions on that. Feel free to move on. 18 Mr. Hejny: Thank you, Your Honor. 19 With respect to Advanced Bionics, petitioner 20 had to be aware that Advanced Bionics was going to be an 21 issue because if you would, despite the fact for 22 example, that Walker was not before the Patent Office 23 during prosecution, if you look at the disclosure in 24 Walker, the Ye reference that was cited during 25 prosecution and other references that were cited during	16 1 preliminary replies to Patent Owner's POPR. 2 Honorable Judge Repko: So, examiner issued a 3 rejection in view of one of these similar references? 4 Mr. Hejny: Your Honor, give me just a second. 5 During the prosecution of the priority 6 application that led to the issuance of the 267 patent 7 there were multiple references that were cited, included 8 -- including references from a patentee named Ye. 9 Honorable Judge Repko: I guess the petitioner 10 just told me earlier in this call that there was, you 11 know, that the examiner did not treat these references 12 at all; there was no discussion of anything. So I want 13 to kind of clarify that point. 14 In your view, the examiner did actually issue 15 some sort of office action that addressed the references 16 that you are discussing that are similar or alleging 17 that are similar. 18 Mr. Hejny: No, Your Honor, I didn't mean to 19 mislead you or to suggest something that is clearly not 20 in the briefing. 21 Walker was not cited during prosecution. 22 Petitioner is correct on that. 23 But Ye, there is a reference from Ye who is an 24 inventor cited on some of the references were the basis 25 for rejections during prosecution.

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17 1 And Ye and Karczewicz, Karczewicz is one of 2 the references that forms the basis for Ground Two, and 3 it was submitted in IDS, but it was not the basis for 4 rejection during prosecution, Your Honor. 5 And Ye and Karczewicz coauthored some 6 articles, and that's on the POPR at page 41. 7 So Patent Owners's argument is the cumulative 8 nature of the disclosures between prosecution and the 9 petition. Walker, for example, which is the basis for 10 Ground One was not cited during prosecution. 11 Honorable Judge Repko: Thank you for that. 12 Now pause for a moment and see if my 13 colleagues have any further questions. 14 Patent owner, if you don't have anything 15 further I was going to go back to petitioner to give 16 them an opportunity to respond. 17 Is there anything further you want to ask? 18 Mr. Hejny: Last point, sorry. My last point, 19 Your Honor, is that petitioner has requested 12 pages 20 and Patent Owner thinks that is excessive; that could 21 add thousands of words to the petition and Patent Owner 22 doesn't think that is proper. 23 Other than that, Your Honor, yes please, my 24 argument at this point is concluded. I will be open to 25 additional questions later.	19 1 what, you know, what was cited or, you know, which 2 references were presented we would be happy to answer 3 that. 4 I think, you know, one thing that might add 5 help with some clarification is that the Ground -- so 6 ground -- there are two Grounds in the petition. 7 The first Ground relies on a reference called 8 Walker, which was, which was just is not related to the 9 Karczewicz references. The first ground is just Walker. 10 And you know Walker wasn't presented or 11 considered in any way and the Patent Owner is trying to 12 argue that it is similar as a reference called Ye, which 13 was raised in an office action. 14 The petition did explain the prosecution of Ye 15 on page 11 of the petition and how Walker teaches 16 actually precisely what the examiner found was not 17 explicit in Ye, so that is on page 11 of the petition. 18 So then separate from Ground One there is 19 Ground Two which combines Karczewicz One and Two. 20 And so Karczewicz -- the Karczewicz references 21 are separate from Walker, so Karczewicz One and Two, 22 Karczewicz One was never presented or considered to the 23 Patent Office. And Karczewicz Two is what is cited in 24 an IDS form. 25 And for Ground Two the Patent Owner is arguing
18 1 Honorable Judge Repko: Thank you. 2 Petitioner, would you like to respond to 3 Patent Owner's argument? 4 Mr. Liang: Just briefly, Your Honor. 5 I want to note that Patent Owner did admit 6 just now that there is - regarding Claim Construction - 7 there is a dispute in interpretation of the term 8 prediction. 9 And I want to just say that their argument 10 that there is no construction, they're applying plain 11 ordinary meaning; that is simply not credible because 12 they admit on page one of the POPR that Walker teaches 13 the type of prediction called a waited prediction and 14 that claims just say prediction. 15 So their arguments that attack Walker for 16 allegedly using an intermediate value, well, claims 17 don't say anything about intermediate values or final 18 values; that comes from the construction of the 19 definition they propose. 20 So, there is Claim Construction that they 21 propose that we would like to address. 22 Honorable Judge Repko: Thank you. Anything 23 further on the the Advanced Bionics issue? 24 Mr. Liang: I believe the parties have stated 25 their positions on that. If you do have questions about	20 1 that, well, Karczewicx One is similar to other things 2 that appear in an IDS form and a whole slew of 76, you 3 know, other entries, but they are arguing it is similar 4 to those other cited references. 5 And none of those references that they are 6 arguing for Ground Two that were cited were considered 7 or raised in any office action. 8 Honorable Judge Repko: Thank you. 9 So, in petition you acknowledge that Ye was 10 considered and discussed by examiner on page 11 of the 11 petition, for example, of, I guess, was it the 626 IPR. 12 And then in your discretionary analysis, or 13 Advanced Bionics for example, you discuss all three 14 references and discuss how the Grounds based on the 15 references cited in -- were not considered -- 16 So, it seems like at least on some level have 17 made an argument regarding all three references that you 18 relied upon in the challenges plus Ye, so what more do 19 you want to add to this and why does that give rise to 20 good cause if you already discussed all of this in the 21 petition? 22 Mr. Liang: The Patent Owner raised a number 23 of arguments that are attempts to mislead the board into 24 thinking that in the prosecution's history, the part 25 about Lee that the applicant somehow was distinguishing

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21 1 weighted predictions and then using that they tried to 2 connect up Ye and Walker, but that is not correct; that 3 is not what happened. 4 And that is -- and that is one area that we 5 would like to explain particularly given the technical 6 nature of these video-coded claims. 7 We want to make sure that we can point out 8 what really happened in the file history and to address 9 many of the specific arguments that they had raised 10 which while we had addressed Ye because Ye is the 11 reference raised in an office action, you know, we want 12 to address various arguments that they have raised 13 trying to compare, you know, the different Karczewicz 14 references to a handful of cherry-picked Patents that 15 were cited in an IDS. 16 So, there are still additional issues to 17 address and that is what we would like to do. 18 Honorable Judge Repko: Seems like you had the 19 opportunity, though, to address those issues in the 20 petition and do you acknowledge the similarity with Ye. 21 I mean you acknowledge that so why should we give you a 22 second opportunity to do that? It is not just good 23 cause. 24 Mr. Liang: Your Honor, let me clarify. 25 We did not acknowledge the similarity between	23 1 going to try to argue it is similar enough to, you know, 2 a handful of other references out of 76 and IDS. 3 So we explain -- we did address Advanced 4 Bionics and we addressed the prosecution history at a 5 normal level that you would expect, but given the 6 arguments that they raised in these particular 7 circumstances that, you know, that is what warrants 8 additional briefing. 9 Honorable Judge Repko: Thank you. I have no 10 further questions. I will check with my other 11 colleagues and see if they have any. 12 No further questions from the court. Thank 13 you, petitioner. 14 We'll move on to Patent Owner, give them a 15 chance to respond to what we just heard from petitioner 16 before we wrap up the call. 17 Mr. Hejny: Sure, Your Honor. Scott Hejny from 18 McKool Smith on behalf of Nokia. 19 I think it goes without saying that in no way, 20 shape, or form was Nokia attempting to mislead the board 21 in any way. 22 We were pointing out that the Walker art is 23 cumulative to what was before the examiner. 24 I encourage the board to take a look at the 25 briefing, at the references and the board is clearly
22 1 Walker and Ye because those references, while they have 2 -- those references -- so specifically we showed what is 3 different about them in that because Ye, Ye was the 4 reference that is raised in an office action. 5 So, when we discuss the prosecution history 6 explain, we explain that well, Walker is actually 7 explicitly teaching what was the examiner noted was not 8 explicit in Ye. 9 So, we weren't saying that these things are 10 similar, as opposed to we are highlighting the contrast 11 in their teachings, but the thing is we, what we cannot 12 have anticipated is the way that they would present the 13 section 325D in these very attenuated circumstances 14 where one Ground Walker that reference was never 15 presented in any way or considered by the office. 16 And that the other Ground, the primary 17 reference Karczewicz One was also not presented or 18 considered. 19 So, what we couldn't have predicted that, you 20 know, reasonably been expected to predict that they 21 would try to distort the file history to somehow connect 22 Ye and Walker and say they are cumulative. 23 And we couldn't have and it would have been 24 reasonable to expect us to try to identify okay, well, 25 Karczewicz One wasn't presented but, you know, they are	24 1 competent to review this, those documents and determine 2 for itself whether or not it believes the reference is 3 cumulative. 4 And also, consider that - as I mentioned 5 before - that Ye is a coauthor with Karczewicz on 6 several of these references which is also something that 7 factors into the analysis. 8 We believe, we, Nokia, believe that Amazon 9 gave short trips to 325D, that they should have been 10 aware that was -- this cumulateness was going to be an 11 issue in the petition process, and they shouldn't be 12 given another bite at the apple to try and correct the 13 325D deficiency to the petition at this time. 14 With respect to Claim Construction, again, I 15 heard mislead the board, cherry picking of references 16 and definitions. 17 But this is clearly just a dispute as to what 18 the plain and ordinary meaning of prediction is. And if 19 you look at the prior art and look at the Patent, the 20 267 Patent, you will see what is identified in equation 21 form as a prediction. 22 And what Amazon is calling a prediction is not 23 the prediction itself; it is a subcomponent of the 24 prediction equation. 25 So, this is just a dispute, Your Honor,

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25 1 between petitioner and Patent Owner over what is a 2 prediction within the well understood definition of 3 prediction to a person of ordinary skill in the art. 4 And that is something that has been addressed 5 in both the POPR and the expert declaration. 6 And I think the board will be able to see that 7 once they have a chance to review all the papers in the 8 proceeding and we don't think this merits additional 9 briefing. 10 And I will rest with that, Your Honor, unless 11 there are additional questions. 12 Honorable Judge Repko: Thank you, no further 13 questions. I will confer with my colleagues and I will 14 put you on hold for a moment. Thank you. 15 If we were to grant briefing here, it looks 16 like petitioner is requesting 12 pages. Patent Owner 17 objects to that. 18 Petitioner, can you break it down perhaps, to 19 maybe a request of if we were to grant one and not the 20 other, grant one on Claim Construction and grant one on 21 Advanced Bionics. 22 How many pages would you need to address your 23 Claim Construction arguments and how many pages for the 24 Advanced Bionics arguments if we were to grant briefing 25 here?	27 1 the transcript filed - in a day or two days? 2 Mr. Liang: We can ask to expedite it, so 3 early next week. 4 Honorable Judge Repko: Okay, sounds good. 5 Thank you. 6 Patent Owner, any further questions before I 7 conclude this call? 8 Mr. Hejny: No questions, Your Honor. Thank 9 you for your time this afternoon. 10 Honorable Judge Repko: Thank you both. This 11 call is concluded. 12 Mr. Liang: Thank you, Your Honor. 13 Mr. Hejny: Thank you. 14 15 (Whereupon, the hearing proceedings were 16 concluded at 10:30 A.M.) 17 18 * * * 19 20 21 22 23 24 25
26 1 Mr. Liang: Your Honor, we would be requesting 2 six pages on each topic, so six for Claim Construction 3 and six for Advanced Bionics. 4 And in terms of timing we would be, I think 5 two weeks each would be fine, so two weeks for us to 6 file our preliminary reply and if you grant a sur-reply 7 then two weeks for the Patent Owner. 8 Honorable Judge Repko: Patent Owner, you 9 object to that; otherwise you think it should be fewer 10 pages? If we were to grant briefing in this case what 11 do you think would be the appropriate number of pages 12 for each issue? 13 Mr. Hejny: Your Honor, Patent Owner obviously 14 believes that at some level to the discretion of the 15 board, but Patent Owner would believe that four to five 16 pages per issue would be more than sufficient. 17 Honorable Judge Repko: Thank you. Take a 18 moment to confer with my colleagues. 19 The panel have decided to take the matter on 20 advisement. We will issue an order in due course. 21 Any further questions from the parties at this 22 point about process or anything else? Petitioner, any 23 further questions? 24 Mr. Liang: No, Your Honor. 25 Honorable Judge Repko: And when can you have	28 1 2 3 I, Carol L. Crawley, CSR No. 7518 Certified 4 Shorthand Reporter, certify: 5 That the foregoing proceedings were taken 6 before me at the time and place therein set forth, at 7 which time the witness was put under oath by me; 8 That the testimony of the witness, the questions 9 propounded, and all objections and statements made at 10 the time of the examination were recorded 11 stenographically by me and were thereafter transcribed; 12 That the foregoing is a true and correct 13 transcript of my shorthand notes so taken. 14 I further certify that I am not a relative or 15 employee of any attorney of the parties, nor financially 16 interested in the action. 17 I declare under penalty of perjury under the 18 laws of California that the foregoing is true and 19 correct. 20 Dated this 30th day of July, 2024. 21 22 <i>Carol L. Crawley</i> 23 24 Carol L. Crawley, CSR No. 7518 25

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