

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

PROXENSE, LLC,
Patent Owner.

Case IPR2024-00782 joined with IPR2024-01399
(Patent 8,646,042 B1)
Case IPR2024-00783 joined with IPR2025-00075
(Patent 9,679,289 B1)

Record of Oral Hearing
Held: August 18, 2025

Before THU A. DANG, DAVID C. McKONE, and
NORMAN H. BEAMER, *Administrative Patent Judges*.

Case IPR2024-00782 joined with IPR2024-01399
(Patent 8,646,042 B1)
Case IPR2024-00783 joined with IPR2025-00075
(Patent 9,679,289 B1)

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The above-entitled matter came on for hearing Monday, August 18, 2025, commencing at 9:00 a.m. EDT, via Video-conference.

P-R-O-C-E-E-D-I-N-G-S

9:00 a.m.

JUDGE DANG: Good morning, everyone. We are here for consolidated oral argument in IPR2024-00782, joined with IPR2024-01399, challenging Patent Number 8,646,042; and IPR2024-00783, joined with IPR2025-00075, the challenging Patent Number 9,679,289. Apple, Inc., is the Petitioner, and Proxense, LLC, is the Patent Owner. Your panel today includes myself, Judge Thu Dang, along with Judge David McKone, and Judge Norman Beamer.

Okay. Let's start with appearances. Who do we have for Petitioner today?

MR. WOO: Good morning, Your Honors. This is Philip Woo with the law firm of Duane Morris on behalf of Petitioner Apple, Inc. And with me today is my colleague, Monte Squire.

JUDGE DANG: And, Mr. Woo, are you presenting today?

MR. WOO: I will be presenting, Your Honor.

JUDGE DANG: Okay. Great. And who do we have for Patent Owner?

MR. HECHT: Good morning, Your Honors. David Hecht for Proxense, the Patent Owner, and along with me is James Zak. I will be doing the speaking today.

JUDGE DANG: Okay. Great. So, Mr. Hecht, you will be presenting. Great. Thank you.

Before we get started, I have a few administrative details to go over. First, please be reminded that unless you are speaking, please put yourself

1 on mute. And when speaking, also to identify yourself first. We have
2 access to all your papers filed, so please refer to the page number so we can
3 follow along. Also, please observe a slight pause just in case there is an
4 audio lag and also to prevent any crosstalk. I will ask also that the parties
5 remain online at the end to answer questions that our court reporter may
6 have. Please be reminded, also, there is a public line with us today. With
7 that, let's begin.

8 The Petitioner, you are to go first. You have 60 minutes, and please
9 let us know if you have any -- or would like to reserve any time for rebuttal.

10 MR. WOO: Thank you, Your Honor. We would like to reserve ten
11 minutes for rebuttal at the end.

12 JUDGE DANG: Okay. Great. So with that, you have 15 minutes.
13 And behind Judge McKone -- well, there'll be a clock. You can follow
14 along. And with that, let us know whenever you're ready, and we'll start the
15 clock.

16 MR. WOO: Thank you, Your Honors. We are ready to go whenever
17 you're ready.

18 JUDGE DANG: Okay. Great. Thank you.

19 MR. WOO: Okay. Well, good morning, Your Honors. Thank you
20 very much for your attention to this matter. Today, the topics that the
21 Petitioner would like to cover are the overview of the proceedings, overview
22 of issues, overview of the challenged patents, claim construction, and
23 finally, the challenges and grounds that were actually identified in the
24 petition.

1 Before we begin, I note that since the parties completed their briefing
2 in these proceedings, there have been some significant developments and
3 other proceedings. And in particular, as Your Honors are aware, the Board
4 issued final written decisions and other proceedings challenging the same
5 two patents, the '043 and the '289. Those proceedings are IPR2024-00407
6 and IPR2024-00573. The final written decisions for the '407 and '573 IPRs
7 have determined that all challenge claims are unpatentable. And in reaching
8 those determinations, the Board construed the claim terms of the '042 and
9 the '289 Patents. In its demonstratives, the Patent Owner states that the
10 patent -- the panel must adopt the claim construction from the '573 and '407
11 proceedings. And on this point, the Petitioner agrees with the Patent Owner.

12 For the record, the claim construction here is substantially similar to
13 that of the '573 and the '407 proceedings. So that said, the Petitioner, Apple,
14 is prepared to present on claim construction today, but how would Your
15 Honors like to proceed? Would you like me to continue with the claim
16 construction presentation that we have?

17 JUDGE DANG: That's fine.

18 MR. WOO: Okay. All right. So because the '782 and '783
19 proceedings cover related patents, we've organized an argument today so
20 that we cover the same topic for both patents at the same time. So Your
21 Honors will see a number of slides that look almost identical, but realize that
22 we typically are presenting for -- first for the '402 Patent -- and I'm sorry, the
23 '042 Patent and immediately after that, we'll present a similar slide for the
24 '289 Patent.

1 So with respect to the '042 Patent, there are six grounds that were
2 presented in the '782 petition. We will focus on the grounds that cover the
3 independent Claims 1 and 10. And likewise, next slide, for the '783
4 proceeding against the '289 Patent, we will, again, focus primarily on the
5 independent -- on the grounds that cover the independent Claims 1 and 14.

6 The main issues between the parties break down to two. One, whether
7 the claims of the challenged patents should be interpreted under 35 USC
8 112(f). And two, whether the prior art invalidates the challenge claims on
9 applying the proper claim construction. Before we get started on claim
10 construction to provide context as to the patents, we should first have an
11 overview of the two challenged patents.

12 So the '042 Patent is titled, Hybrid Device, Having a Personal Digital
13 Key and Receiver Decoder Circuit and Methods of Use. There are 20 claims
14 with, as I already mentioned, Claims 1 and 10 being independent. And then
15 the '289 Patent is related. It shares the same specification and title and there
16 are 20 claims with Claims 1 and 14 being independent.

17 Moving on, Figure 1 of the '042 and the '289 Patents shows an
18 embodiment of the system for the patents. The system includes a personal
19 digital key, a sensor, a network, and one or more applications. The
20 applications are accessed over the network with the sensor being adapted to
21 receive biometric inputs, such as a fingerprint from a user.

22 Next slide. And in further detail, the system of the patents includes a
23 hybrid device, which is outlined in red. The hybrid device is made up of a
24 personal digital key or PDK. This is shown in blue. And the -- and the
25 Hybrid device also includes a receiver, decoder circuit, or RDC, which is

1 sometimes referred to as a reader decoder circuit. The RDC is shown in this
2 figure in gold or yellow.

3 Now, moving on to the first issue to cover, claim construction. So for
4 the '042 Patent, the claim terms in dispute are “integrated personal digital
5 key” or “PDK,” an “integrated receiver coder circuit” or “RDC,”
6 “enablement signal,” and finally “enabling one or more of an application, a
7 function, and a service.” Similarly, for the '289 --

8 (Simultaneous speaking.)

9 MR. WOO: Yes, Your Honor?

10 JUDGE MCKONE: When you transition slides, can you tell me
11 which slide number you're on? I think I have it right now, but so that I don't
12 get lost. I can't see your slides projected. So I'll just follow along.

13 MR. WOO: Oh, sorry, Your Honor. I will do that. Yeah.

14 JUDGE MCKONE: Thank you.

15 MR. WOO: So we're now on Slide 12, Your Honor. And so with
16 respect to Slide 12, then the claim terms in dispute for the '289 Patent, are
17 “local secured information stored by integrated secure memory,” the
18 “integrated RDC communicating wireless wirelessly with the -- at least one
19 external device within the proximity zone,” “enablement signal,” and finally
20 “enabling one or more of an application of function and a service.”

21 Now, Slide 13, positions of the parties. The main dispute on claim
22 construction is whether the claim terms should be interpreted under Section
23 112, Paragraph 6 or 112(f) as means-plus-function claims. And in the
24 papers, Your Honors, and throughout the petitions -- Petitioner's argument
25 today, we use 112(f) and 112, Paragraph 6 interchangeably, if that's okay.

It is a Patent Owner's position that the claim terms invoke 112-6, whereas it is a Petitioner's position that the claim terms do not invoke or are not subject to 112-6.

At Slide 14, moving on. Under the case law, a claim element using the term “means” is generally presumed to be mean- plus-function – means-plus-function element. On the other hand, if a claim term does not use the word “means” there is a rebuttable presumption that section 112-6 does not apply. Here, none of the disputed claim terms of the '042 Patent use the word “means;” thus it is presumed that section 112-6 does not apply.

Slide 15. We show the claims -- the two independent claims of the '042 Patent. As you can see here, the claim terms in dispute for the '042 Patent appear in the -- in independent claims. And you see and highlight the actual disputed terms are shown in the two independent claim, and neither Claim 1 nor Claim 10 actually use the word “means “or its counterpart “step for” method claims.

Moving on to the next slide, Slide 16. Similarly, none of the disputed claim terms for the '289 Patent used the word “means;” thus it is presumed that 112-6 does not apply to either the '042 Patent claims or the '289 Patent claims.

You see in the next slide, Slide 17, that here are the two independent claims of the '289 Patent, Claims 1 and 14. Again, the disputed terms are highlighted for the convenience of the Board and neither Claims 1 nor 14 actually use “means” or “step for.”

1 Now moving on to Slide 18. The presumption against applying
2 Section 112, Paragraph 6 can be overcome. The essential inquiry is whether
3 the words of the claim are understood by persons of ordinary skill in the art,
4 to have a sufficiently definite meaning as a name for structure.

5 Next slide. For the '042 Patents and the '289 Patents, it is Patent
6 Owner's position that the claims do not recite sufficient structure. And as a
7 party arguing for means-plus-function construction, it is a Patent Owner's
8 burden to overcome the presumption that these terms, none of which
9 actually use the word "means," should be interpreted under 112(f).
10 Petitioner Apple submits that Patent Owner has failed to meet that burden
11 for multiple reasons.

12 So let's skip to the next slide, Slide 21. And then now Slide 21 was
13 actually for the '289 Patent. And now it's slide -- I'm sorry, Slide 21. That
14 was Slide 20. I'm sorry, Your Honors. First, the reason why Patent Owner
15 has failed to meet the burden for overcoming the presumption of 112-6, is
16 that a person of ordinary skill in the art or a POSITA would understand the
17 claim terms of the challenged patent's recited structure. For the '042 Patent,
18 this structure includes the claimed integrated PDK, the integrated RDC, and
19 the enablement signal.

20 And Apple has provided evidence in the form of testimony from its
21 expert, Dr. Andrew Wolfe, to this effect. For this disputed claim term,
22 "integrated PDK," Dr. Wolfe testified that a POSITA would understand this
23 term to recite structure. And in this Slide 21, our excerpts from Dr. Wolfe's
24 declaration, where he explains that in more detail, his declaration is Exhibit
25 1032 in the papers.

1 Moving on to the next slide, Slide 22. Dr. Wolfe also testified that the
2 claim term in the '042 Patent, “integrated RDC,” would also be understood
3 by a person of ordinary skill in the art to recite structure. This Slide 22 has
4 excerpts from Dr. Wolfe's declaration for the RDC.

5 And moving on, finally, with respect to the claim term, “enablement
6 signal,” Dr. Wolfe also testified to the same effect that it recites a structure.
7 And again, provided our excerpts from Dr. Wolfe's declaration.

8 Moving on. Dr. Wolfe also testified with respect to the terms of the
9 '289 Patent, that they recite structure. So in this slide, at Slide 24, the
10 disputed claim term, “local secured information stored by integrated secure
11 memory,” Dr. Wolfe testified that this term has structure. And here are
12 excerpts from his declaration. And that appears again at slide -- I'm sorry,
13 Exhibit 1032 in the '783 proceeding.

14 Next, at Slide 25, Dr. Wolfe also testified that the “integrated reader
15 decoder circuit, RDC,” in the '289 Patent provides structure or recites
16 structure.

17 And then finally also with respect, next slide, at Slide 26, Dr. Wolfe
18 testified that the disputed term, “enablement signal,” provides structure,
19 similar to his testimony for the '042 Patent.

20 Next slide, Slide 27. A further reason why Patent Owner has failed to
21 overcome the presumption against means-plus-function claiming is that the
22 Patent Owner proposed constructions that have already been rejected by this
23 Board. As Your Honors know and as we started at the beginning, in the
24 final written decisions in the '573 and '407 proceedings, the Board did not
25 conclude that any of the claim terms of the challenged patents are subject to

1 112, Paragraph 6. And in particular for the '573 Patent -- again, I'm sorry,
2 the '573 proceeding against the '042 Patent, the Board was unpersuaded that
3 claim terms 1 and 10 invoke section 112(f) and the Board found that the
4 terms “PDK,” “RDC,” and “enablement signal” would be understood by a
5 person of ordinary skill in the art to recite structure.

6 Next slide, Slide 28. Likewise, in the present proceeding, Your
7 Honors, as you know, the Board rejected Patent Owner's argument for
8 means-plus-function construction in its initial determination. We see that
9 here.

10 Now, moving on to Slide 29. The Board made similar determinations
11 with respect to the claim terms of the '289 Patent as seen in these slides.
12 First with respect to the 40C -- '407 proceeding, as you see here.

13 And then in Slide 30, next slide, also with respect to the presence
14 proceeding against the '289 Patent.

15 Now, next slide, the Board also considered similar terms -- claim
16 terms in an -- a previous IPR proceeding that was IPR2021-01438. And that
17 was an IPR filed by Samsung against U.S. Patent Number 9,049,188. The
18 '188 Patent is in the same family as the '042 and the '289 Patents. And
19 notably in the *Samsung* IPR against the '188 Patent, the Board did not find
20 any claim terms, including the term “PDK” is subject to 112, Paragraph 6.

21 And moving on to the next slide, Slide 32, we show the similar -- we
22 show the two independent claims of the '188 Patent and this demonstrates
23 that they are very similar to the claims of the '042 and the '289 Patents. And
24 we've highlighted the relevant terms in this particular slide.

1 Now, moving on to Slide 33. A further reason why the Patent Owners
2 failed to overcome the presumption against means-plus-function claiming, is
3 a Patent Owner has proposed constructions that are inconsistent with the
4 construction of the district court. Now oddly, Patent Owner claims that the
5 proposed means-plus-function constructions are somehow consistent with
6 the district court, but that is demonstrably false.

7 Moving on, Slide 34. The Patent Owner itself did not propose
8 construing the claims under 112, Paragraph 6 in the litigation. Here is a
9 slide that shows Patent Owner's litigation positions. And for the particular
10 terms, personal digital key, receiver decoder circuit, and enablement signal,
11 the Patent Owner's proposed constructions and litigation are summarized
12 here. And you'll see that none of those proposed constructions for any of the
13 terms are subject -- or have been proposed to be means-plus-function
14 terminology.

15 And if we move on to the next slide, Slide 35. The district court
16 actually adopted the Patent Owner's proposed constructions in those
17 litigations. And again, you see that these constructions that were adopted by
18 the district court are not 112-6 constructions. And so the Patent Owners
19 proposed constructions and IPR are contradicted by the claim constructions
20 in the district court.

21 Moving on. Another reason -- and then now we're at Slide 36.
22 Another reason why the Patent Owners failed to overcome the presumption
23 against means-plus-function claiming is that the Patent Owner proposed
24 constructions that are inconsistent with the intrinsic evidence. For example,
25 during the Prosecution of the '042 Patent, the applicant did not indicate that

1 any of the claim terms were subject to 112, Paragraph 6. For example, to
2 distinguish over the prior art. This is an excerpt from the briefing,
3 Petitioner's reply.

4 And moving on to Slide 37. A similar excerpt from Petitioner's
5 briefing, that the constructions proposed now by Patent Owner for the '289
6 Patent are also inconsistent with the extrinsic evidence.

7 Now, next slide. In support of its position for means-plus-function
8 construction, Patent Owner provides a declaration from his expert, Markus
9 Jakobsson. According to Dr. Jakobsson, the claims of the '042 and the '289
10 Patents do not recite sufficient structure as seen in this slide and the next
11 three slides. So that's Slides 38, 39, and 40. It is Apple's position that Dr.
12 Jakobsson's testimony and opinion should be rejected or given a little
13 weight.

14 Now, at Slide 41, to begin with Dr. Jakobsson was not given complete
15 information about claim construction. During his deposition, Dr. Jakobsson
16 actually testified that he had not been given the claim construction briefing,
17 the Markman orders, or infringement contentions from the various litigation,
18 nor had Dr. Jakobsson been provided with the declarations of other experts,
19 including Dr. Wolfe, Dr. Traynor, and Eldering, that we will be discussing a
20 little bit later on. And finally, Dr. Jakobsson had not even been informed
21 that there were other constructions or experts.

22 Moving on to Slide 42. Another reason why Dr. Jakobsson's opinion
23 should be rejected is because his analysis is flawed. He applied the law
24 improperly. Here in this slide, you'll see that Dr. Jakobsson testified that his
25 understanding of the law is, and I quote, when a claim term recites a

1 function performed by a general-purpose computer, the corresponding
2 structure is the computer as programmed to perform an algorithm. Now, this
3 law refers to the second step of analysis under *Williamson*. Dr. Jakobsson,
4 however applied this understanding of the law to conclude that the terms,
5 “integrated PDK,” “integrated RDC” are means-plus-function terms.

6 The problem here is that this should be the second step of *Williamson*,
7 and it only applies if it has already been determined that the claim terms are
8 subject to 112, Paragraph 6 in the first step. At the first step of *Williamson*,
9 Dr. Jakobsson should have been checking to see if the claim terms use the
10 word “means” or “step for” or some other nonce word.

11 Moving on to the next slide, Slide 43. As you'll see, again, in the
12 claims in this slide, which shows both Claim 1 and Claim 10 of the '042
13 Patent, the claims do not recite “means” or “step for” or any other nonce
14 word, thus doctor -- Dr. Jakobsson performed the wrong analysis for the
15 claims of the '042 Patent.

16 Likewise, moving to Slide 44, Dr. Jakobsson made the same error in
17 analyzing the claims of the '289 Patent, as seen in this slide, and then also
18 Slide 45, which shows the disputed terms again highlighted in the context of
19 the two independent claims.

20 Moving on, Slide 46. Doctor -- Dr. Jakobsson's testimony and
21 opinions on claim construction should also be rejected because they are
22 contradicted by all other experts. Now, with respect to the '042 Patent
23 claims, Petitioner's expert, Dr. Wolfe opined that a person of ordinary skill
24 in the art would understand that the terms, “integrated PDK,” “integrated
25 RDC,” and “enablement signal” recites structure. And thus, these terms

1 should not be construed under Section 112, Paragraph 6. And these -- this is
2 an excerpt from Dr. Wolfe declaration in Exhibit 1032.

3 Moving on to the next slide at Slide 47, Dr. Wolfe, likewise testified
4 similarly, with respect to the claim terms of the '289 Patent.

5 Moving on to the next slide, Slide 48. Not only is Dr. Jakobsson's
6 testimony contradicted by Apple's expert, Dr. Wolfe, but Dr. Jakobsson's
7 opinion is further contradicted by Microsoft's expert, Dr. Steven Traynor in
8 the '573 and '407 proceedings. With respect to the '042 Patent, Dr. Traynor
9 testified that a person of ordinary skill in the art would've understood the
10 disputed claim terms, "integrated PDK," "integrated RDC," and
11 "enablement signal" do recite structure.

12 Similarly, next slide, at Slide 49, Dr. Traynor testified the same way
13 for the disputed claim terms of the '289 Patent.

14 Now, moving on at Slide 50, the opinions of Dr. Jakobsson should
15 also be rejected because they're not consistent with the opinions of Patent
16 Owner's other expert, and that other expert is Dr. Charles Eldering. Dr.
17 Charles Eldering actually provided a testimony and a declaration in the
18 *Samsung* '188 IPR. And interestingly, Petitioner did not actually use Dr.
19 Eldering for its expert in these proceedings and said it chose a different --
20 I'm sorry. It did not use Dr. Jakobsson in the prior proceedings or in this
21 proceeding. It chose to use -- I'm sorry. Patent Owner did not use Dr.
22 Jakobsson in the prior proceeding and it used Dr. Eldering. But the short of
23 it is, Dr. Eldering's testimony contradicts Dr. Jakobsson's testimony.

24 Dr. Eldering did not find any of the terms of the '188 Patent were
25 subject to means plus function claiming. So in summary, for all of the

1 reasons discussed, the Board should reject Patent Owner's proposal to
2 construe the claim terms of the '042 and the '289 Patents as mean – means-
3 plus-function terms.

4 Now, at Slide 51, it should also be noted with respect to claim
5 construction that the Patent Owner appears to propose an alternative claim
6 construction. This alternative construction is not means-plus-function. But
7 under the alternative construction, the Patent Owner asserts that the claimed
8 function of “enabling one or more of an application, a function, and a
9 service” must be performed through the exchange of an access key. Such
10 construction should be rejected. And in fact, the Board already has done so
11 in the decision instituted in the '042 IPR. The Board determined the term
12 “enabling an application, a function, or a service” recited in Claims 1 and 10
13 is not limited to receiving information from a PDK in exchange for an access
14 key.

15 Moving on to Slide 52. Likewise, in the decision instituting the '289
16 IPR, the Board made a similar determination that the term “enabling an
17 application function and service” is not limited to receiving information
18 exchange for an access key. Now, to the extent the Patent Owner disagreed
19 with the Board's determination in the initial determinations, that the claimed
20 enabling function is not limited to receiving information exchange for an
21 access key, Patent Owner should have argued this in its response or reply,
22 but Patent Owner did not. Thus, its Petitioner's position that the Board's
23 determination in the decisions the institute should stand.

24 So that concludes the portion of the presentation with respect to
25 claims instruction. Now, we move into the actual grounds and the overview

1 of the proceedings. And so again, we see here, for the convenience of the
2 Board, at Slide 53 and -- Slide 53, an overview of the proceedings for the
3 '042 claims, six grounds, and we will be focusing on grounds 1 and 3.

4 And then for the next slide, Slide 54, five grounds. We will, again, be
5 focusing on grounds 1 and 3. Now, turning the actual grounds of the '042
6 and the '289 Patent, Patent Owners -- Patent Owner does not dispute the vast
7 majority of Petitioner's analysis for the grounds, either the '042 or the '289.

8 The primary dispute the Patent Owner has with the invalidity
9 challenges is based on its claim construction positions. And Petitioner
10 respectfully submits that if the Board rejects Patent Owner positions on
11 claim construction, then the challenged claim should all be found to be
12 unpatentable.

13 And with that background in mind, turning next to Slide 55 and
14 moving on from that, we'll first cover Ground 3 of the 042 IPR. And so with
15 respect to the -- actually, back up one slide to Slide 56. Thank you.

16 The first ground, Ground 3, is based on the prior Buer reference. Buer
17 is an EP application with a filing date of September 2004 and Buer is titled,
18 "Proximity Authentic -- Authentication System."

19 Slide 57 is an overview of Buer. And this slide, which is the
20 excerpted from the Petitioner, shows Figure 1, and it's been annotated to
21 show the different parts of the Buer system, corresponding to the claim
22 limitations, including for the integrated PDK.

23 And moving on to the next slide. Thank you. This is Slide 58. The
24 integrated PDK in Buer corresponds to the authentication component, which

1 the specification or Buer itself describes as a cryptographic processing
2 system. This is shown in blue, in Figure 1, that's annotated in Slide 58.

3 Next with respect to Slide 59, Buer, likewise, discloses an integrated
4 RDC. Buer discloses the integrated RDC in the form of a wireless proximity
5 reader shown in yellow.

6 And moving on to Slide 60, Buer discloses the claimed enablement
7 signal, and Buer discloses this, because in its system with the PDK and the
8 RDC, those elements provide encrypted or signal credentials to a service
9 provider, which is highlighted in purple to enable access to secured services.
10 Those credentials are sent in the form of signals over communications media
11 112. And some of those would be the enablement signal.

12 Now, moving on to Slide 61. Patent Owner's argument to distinguish
13 Buer is based on its proposed claim construction, as you see in this slide.

14 Moving on next, to Slide 62. The Patent Owner's proposed
15 construction should be rejected, just as the Board has done in the final
16 written decisions for the '407 and the '573 proceedings. And in fact, Patent
17 Owner is now urging Your Honors to actually adopt the claim construction
18 from those other proceedings. You will see that in Patent Owner own
19 demonstratives at Slide 3.

20 Now, if the Board does do that and it adopts this panel's constructions
21 from the other proceedings, then Patent Owner has no other argument to
22 distinguish the claims of the '042 Patent over Buer.

23 Now, the rest of the slides, the remaining slides in the Patent Owner's
24 -- I'm sorry, the Petitioner's demonstratives just kind of cover Grounds 1 of
25 the '042 Patent and then, similarly, Grounds 3 and 1 of the '289 Patents. So

1 because there are no other major differences between those grounds and then
2 the Patent Owner's arguments to distinguish, Petitioner is finished with its
3 presentation now.

4 JUDGE DANG: Oh. Okay. Great. Thank you so much. You have
5 about 24 minutes left.

6 MR. WOO: Okay. Thank you, Your Honor.

7 JUDGE DANG: Thank you very much.

8 And, Mr. Hecht, you will have 60 minutes. Would you like to reserve
9 any time?

10 MR. HECHT: I'll reserve 20 minutes for rebuttal.

11 JUDGE DANG: Okay. Great. Please let us know when you're ready.

12 MR. HECHT: Sure. Just making sure that my slides are on. Okay. I
13 think everyone can see now?

14 JUDGE DANG: Yes.

15 MR. HECHT: Okay. So Patent Owner --

16 JUDGE MCKONE: And mister -- Mr. Hecht, I won't be able to see
17 your slide, so just as with your friend from the other side, just give me the
18 slide number and I'll be good.

19 MR. HECHT: Absolutely, Your Honor.

20 Slide 1, just the introduction. Patent Owner Proxense is not here
21 today to argue claim construction again, nor the merits of Petitioner's
22 obviousness assertions. We agree with Petitioner that this sort of lives and
23 dies with the claim constructions, but Proxense would like to set out the
24 context of the proceedings as they stand.

1 Slide 2. This is a roadmap of what I'm going to be speaking about
2 briefly. The claims at issue have been construed by this panel in district
3 court in multiple cases. As my colleague on the other side pointed out, the --
4 this panel construed the claims at issue in IPR2024-573 and 2024-407,
5 where Microsoft was the Petitioner. Patent Owner disagrees with those
6 constructions and reserves all rights for appeal.

7 However, as Patent Owner understands it, these proceedings and the
8 oral argument today are not the proper forum to challenge the previous
9 ruling. So in these proceedings, we expect that the Board would rely on and
10 import the construction from those IPRs that I mentioned, 2024-407 and '573
11 for the sake of consistent office determinations, for example.

12 But there are some differences in these proceedings that should be
13 addressed. Unlike the proceedings in which Petitioner Microsoft introduced
14 the testimony of its own expert, Dr. Traynor, Apple has borrowed and
15 introduced expert testimony from that and other proceedings. While those
16 types of testimony could be introduced for certain purposes, it -- though that
17 testimony, we believe cannot be used to rebut the testimony of Dr.
18 Jakobsson, but -- and previously we're not under the impression that that was
19 the objective. But I think, in light of Petitioner's argument just now, we
20 think that it looks like they did attempt to use that testimony to rebut Dr.
21 Jakobsson, which we would submit is not appropriate.

22 Patent Owner previously thought that those -- that testimony was
23 introduced to provide the Board with reference to the other proceedings, but
24 they had explicitly done so here in this proceeding, you know, because it's
25 quite obvious we all know that the related family members were construed --

1 or were construed by the Board, as well as found to be unpatentable, as I
2 said earlier.

3 But even if the various testimony was used to rebut the testimony of
4 Dr. Jakobsson, that testimony doesn't refute Dr. Jakobsson's testimony at all,
5 that local secured information stored by the integrated secure memory, RDC,
6 and PDK are general-purpose computers or associated with general-purpose
7 computers. And neither does the testimony of Dr. Wolfe, the actual expert
8 Petitioner offered in the proceedings.

9 Claim -- sorry. Slide 3. The claims that issue --

10 JUDGE MCKONE: Mr. Hecht?

11 MR. HECHT: Yep.

12 JUDGE MCKONE: Mr. Hecht, these are issues as to claim
13 construction, correct?

14 MR. HECHT: Correct.

15 JUDGE MCKONE: So the testimony that you -- that you're saying is
16 being improperly relied on is being relied on for claim construction, which
17 we've already decided in previous proceedings, correct?

18 MR. HECHT: That's correct. It's fair to say that. Yeah.

19 Slide 3. Just zeroing in on construction as well. And this is touching
20 on what I said earlier about not being the proper form to dispute the prior
21 constructions. As we understand it, there's certain mechanisms to dispute
22 those constructions, including a request for rehearing. What we're -- we saw
23 as 37 CFR 42.80 actually says, after the Board issues a final written
24 determination in an inter partes review, and the time for appeal has expired
25 or any other appeal has been terminated, the office will issue in public a

1 certificate canceling any claim of a patent finally determined to be
2 unpatentable by operation of the certificate.

3 That rule sets out the procedure and provides only one option, appeal.
4 Of course, as referenced here 42.71(d) provides a party dissatisfied with a
5 decision may file a single request for rehearing without prior authorization
6 from the Board. Likewise, 42.75 provides the option for director review,
7 accordingly. And then there's also the CF -- CAFC. Accordingly, the
8 proper forms to dispute the prior constructions are via these three options in
9 our view.

10 Challenging construction and parallel proceeding is not something
11 that we saw provided under the rules. And so as Proxense understands it,
12 the panel must adopt the prior claim constructions from the IPRs I
13 mentioned, 2024-407 and '573 for purposes of these proceedings, even if we
14 don't like it or agree with it, and would intend to appeal it in the other
15 proceeding.

16 Claim 4 -- sorry. Claim 4? Slide 4. What the Board should not do is
17 consider the expert testimony Petitioner is attempting to borrow from other
18 proceedings for the purposes of rebutting Dr. Jakobsson. Apple has offered
19 the testimony to place the current proceedings that we thought in the context
20 of previous proceedings. That would be improper use of the testimony,
21 because not -- it's not being offered for the truth of the matter asserted. It's
22 not hearsay, for example. But to the extent that here, they are using the
23 testimony to rebut Dr. Jakobsson and we believe that it's unfairly lifting that
24 testimony from other proceedings and just making --

1 JUDGE MCKONE: Well, let -- Mr. Hecht, let me ask you. I -- I'm
2 trying to figure out whether any of this --

3 MR. HECHT: Matter?

4 JUDGE MCKONE: -- actually matters. Right. Because if this
5 testimony was used for claim construction, you know, the Federal Circuit,
6 they may tell us we're correct on claim construction, they may tell us we're
7 incorrect, but we're going to be stuck with that one way or the other in this
8 proceeding, regardless of what these experts said as to claim construction.

9 So does it -- does their testimony, one way or the other, matter here?

10 MR. HECHT: It does not matter, so long as the Board adopts its
11 previous constructions. So that's why I'm saying it just in case in the small
12 percentage chance that you're looking at this with fresh eyes, even in light of
13 what we said earlier, because, you know, I don't know what's in the mind of
14 the Board. But you know, we just want to set off what we believe is
15 properly considered in the context of this proceeding, if there is no adoption
16 of the prior construction.

17 So I'll be, like I said, very, very brief on this stuff. Slide 5 just says,
18 under the Administrative Procedure Act, a party is entitled to present his
19 case or defense by oral documentary evidence, to submit rebuttal evidence,
20 and to conduct such cross-examination as may be required for a full and true
21 disclosure of the fact.

22 Slide 6. Dr. Traynor, Dr. Eldering are third parties to this
23 proceedings. It doesn't matter whether we chose Dr. Eldering or not, as our
24 witness -- our expert. These are not witnesses that were provided by us here.
25 They did not testify in these proceedings and their declarations are hearsay,

1 if admitted for the truth of the matter asserted therein, which is what it seems
2 that's trying to be done. If you were to find that those declarations are not
3 hearsay, then introducing it as testimony would have deprived Proxense for
4 the right of cross examination under the APA. But of course, you know,
5 there's --

6 JUDGE MCKONE: Well, let me -- let me -- Mr. Hecht, let me --

7 MR. HECHT: Yes.

8 JUDGE MCKONE: -- ask you here. I looked through the record and
9 I didn't see any objections in the record anywhere leveled by Patent Owner.
10 Did I miss them? Did you object to this evidence before now?

11 MR. HECHT: We -- I don't think that's on the record, but in context -
12 - I wanted to put into context what -- why we could not have objected. We
13 thought -- well, number one, we thought they were being used for different
14 purposes. I think things really solidified --

15 JUDGE MCKONE: Well, I mean, if you -- if they introduce
16 testimony of experts that the -- that are not in this case, that should
17 immediately call to mind potential hearsay. And --

18 MR. HECHT: Yes.

19 JUDGE MCKONE: -- you have the time under the rules to object to
20 that.

21 MR. HECHT: Well, we would -- we would object to that now,
22 because this is the first time it was being used in our view. You know,
23 reading what we read in the reply and, you know, certainly how we
24 addressed in the sur-reply versus in this hearing. I think that just triggered --
25 you know, I think we heard the phrases this under -- undermines the

1 testimony or this was clearly using, I think, for the first time, this sort of
2 language to sort of -- to undermine our experts.

3 So we object to that, and we would say it's not fair to consider that,
4 because we did not have a chance to cross examination. We didn't think that
5 we had -- by default, had to do it. We thought that, you know, this was just
6 a reference in passing to those other proceedings. And so the other point
7 that we wanted to make was --

8 JUDGE MCKONE: Well, I'm going to -- I'm going to -- I'm going to
9 push back a little bit on that. If you're saying that today was the first time
10 that triggered -- that Petitioner has said something that triggered an
11 objection, you came in with slides prepared to make these objections, which
12 means that you were -- had these objections in your mind before Petitioner
13 set foot in the virtual courtroom today.

14 MR. HECHT: That was conditional, just in case. We didn't know
15 that we would've to use this. And as I said, I -- I'll be 100 percent honest, we
16 -- I have, in my notes, that we are giving them the benefit of the doubt that
17 this was not being used to undermine our expert. Right. And I changed that,
18 and I literally x-ed it out as my colleague across the table was talking. So
19 100 percent transparency, we thought that they may not, but they did. And
20 so that's why we're just making it clear that we've been deprived of the
21 opportunity here.

22 But, you know, I don't need to go into every procedural issue here, but
23 it's -- suffice to say it would've been impossible to do this in six weeks, even
24 if there was a scintilla of indication that they were being used -- that these --
25 this testimony was being used to undermine.

1 But here, you know, this process takes a while we're objecting to the
2 extent that it's considered. If we have to go through this process to get
3 additional testimony, I'm not sure that it makes sense. But if you can tell me
4 -- I'm not sure if you could tell me. But if those -- if the experts are not
5 going to be considered, Dr. Traynor and Dr. Eldering, then we have no
6 reason to examine them.

7 JUDGE MCKONE: Well, at this stage, I mean, it looks like this is all
8 issues of claim construction, correct?

9 MR. HECHT: Again --

10 JUDGE MCKONE: It sounds like --

11 MR. HECHT: -- I believe that's correct.

12 JUDGE MCKONE: -- it sounds like everybody agrees, that we
13 should use the prior claim constructions from other proceedings.

14 MR. HECHT: And --

15 JUDGE MCKONE: Do you agree?

16 MR. HECHT: -- if the Board agrees, absolutely. Then you know, we
17 -- this sort of nullifies this issue, because you wouldn't be relying on that
18 additional testimony, I believe. So I can move on from there.

19 JUDGE MCKONE: Okay. I think I understand your position. Thank
20 you.

21 MR. HECHT: Okay. You're welcome, Your Honor.

22 Okay. And then this is Slide 7. Dr. Jakobsson's testimony was never
23 refuted by Petitioner's expert, Dr. Wolfe. Dr. Jakobsson testified that the
24 terms, "local secured information stored by the integrated secure memory,"
25 "RDC," and "PDK" are effectively general-purpose computers.

1 Specifically, he stated that an RDC is nothing more than a general-purpose
2 computer's generic wireless capabilities, and that a PDK as a whole is
3 nothing more than a general-purpose computer capable of communication.

4 And we have a quote from his -- from the -- each of the declarations
5 in the various IPR proceedings. So the first one was, rather the “integrated
6 RDC,” as recited in Claim 1 of the '042 Patent, is nothing more than the
7 general ability of general-purpose computers to decode encrypted data
8 received via Bluetooth, Wi-Fi, and similar connection. The “integrated
9 PDK” also recited in Claim 1 of the '042 Patent is nothing more than a
10 general-purpose computer capable of communication.

11 As for “PDK” nobody's disputed that this should be construed as
12 anything more than an antenna and a transceiver and a controller and
13 memory. That's the very description of a general-purpose computer with
14 wireless capabilities. Describes laptops, tablets, cell phones, video game
15 consoles, all kinds of things. Likewise, with respect to “local secured
16 information,” Dr. Jakobsson noted it is nothing but the generic ability of
17 general-purpose computers to store information on computer readable
18 medium. And that's where he says on its face, the term “local secured
19 information stored by the integrated secure memory” recites nothing more
20 than a computer readable media, providing the general and generic ability of
21 general-purpose computers to securely store information within tamper-
22 proof memory.

23 And to my point, Slide 8, Dr. Wolfe never refuted that the term -- that
24 those terms are general-purpose computers or their functionality. Instead, he
25 testified that they're definite structures, but he did not comment on whether

1 they're general-purpose computers. For what's worth, Dr. Wolfe
2 acknowledged that he understands that for patents involving a computer
3 implemented invention, in which the inventor has used means-plus-function
4 claiming, the courts have consistently required that the structure disclosed in
5 the specification be more than a -- simply a general-purpose computer or
6 microprocessor.

7 And we think that's an accurate statement of the law, but he's not a
8 legal expert, can testify as to the law, of course, but still the statement
9 demonstratives that Dr. Wolfe believes that whether the three terms are
10 general-purpose computers or related thereto, is critical to the matter at hand.
11 But he failed to comment about general-purpose computers. Accordingly,
12 doctor -- by Dr. Wolfe's own admission in his testimony is insufficient as to
13 the determinative facts.

14 As with Dr. Wolfe, the borrowed testimony from Dr. Traynor also
15 doesn't refute. You know, we're not going to get into that. And so to the
16 extent that it's being offered to refute Dr. Jakobsson, it fails, says nothing
17 about whether those terms are general-purpose computers.

18 So we get to Slide 9. Unable to refute Dr. Jakobsson's testimony that
19 the terms at issue are nothing more than general-purpose computer. We see
20 Petitioner attempting to discredit him by noting he's taken an inconsistent
21 position with what Proxense advanced in a previous IPR and that's where
22 Dr. Eldering comes in. Again, without going too deep into that, because I
23 think we're beating a dead horse. As an initial matter, Dr. Eldering's
24 declaration was introduced prior to the claim construction by the district

1 court. Just noting that. But his statements were actually consistent with the
2 district court's eventual construction and the testimony of Dr. Jakobsson.

3 He doesn't contradict. It's the opposite. It's actually compelling,
4 because his declaration was drafted without the benefit of the construction,
5 and he reached the same conclusions that these were tied to the service
6 blocks in -- and access keys that are in the specification.

7 Slide 10. Speaking of the district court's claim construction. Since
8 issued, Proxense has respected that construction. Here, we're talking about
9 the meaning of “enabling” specifically, as construed as part of the district
10 court's overall construction of “hybrid device.” After the district court
11 issued its claim construction memo, providing the construction of “enabling
12 one or more of an application of function and a service,” Proxense had
13 notified the PTAB and requested authorization to file a motion to submit the
14 memorandum in support of claim construction order that had been denied.
15 In subsequent litigations, Patent Owner specifically requested the district
16 court maintain the construction of “hybrid device” under which “enabling”
17 was construed.

18 So from the moment that construction of “hybrid device” had issued,
19 Proxense consistently requested that it be maintained and honored the
20 construction. But despite this fidelity, Petitioner claims that Proxense is
21 executing a strategic shift. The base -- the basis is the allegation that
22 Proxense needed to announce its construction in infringement contentions.
23 There's no authority for such a requirement, and we believe that the PTAB
24 should not impose such a require -- requirement.

1 The sufficiency and format of infringement contentions are matters
2 for district courts in which they're filed and they're free to set their own rules
3 or requirements. So Petitioner -- aside from asserting some violation of a
4 rule that they don't cite, Petitioner has not shown how any -- how any of
5 Proxense infringement contentions filed after the issuance of the district
6 court's construction of "enabling" or any other term violates or is
7 inconsistent with those constructions.

8 And that's because Proxense has always honored those constructions
9 and contentions and otherwise. And that's really it. I mean, in summary, the
10 claims at issue have been construed by this panel. We preserve our right to
11 appeal, but these proceedings are not the proper forum to challenge those
12 previous constructions. And so we expect that the panel would rely on
13 and import the constructions from 2024-573 and '407, that the testimony of
14 Dr. Jakobsson regarding the various terms are -- being general-purpose
15 computers have not been refuted. And this issue is not in dispute here, so we
16 don't believe there should be any findings regarding the "local secured
17 information," "RDC" or "PDK" are not general-purpose computers by virtue
18 of an any other issue.

19 Finally, you know, we've been consistent across the Board. We've --
20 whether it's been infringement contentions or otherwise, we have always
21 looked to the district court's claim construction order as sort of the law of the
22 land. And that's all I have.

23 JUDGE DANG: Okay. Thank you so much, Mr. Hecht.

24 MR. HECHT: Thank you.

1 JUDGE DANG: Mr. Woo, I apologize. I stated 24, but I misread.
2 You have 29 minutes, so --

3 MR. WOO: Thank you, Your Honor.

4 JUDGE DANG: Just let me -- let us know when you're ready, and
5 we'll start the clock again.

6 MR. WOO: Thank you, Judge Dang.

7 And so thank you, Your Honors. So I have two points in the rebuttal
8 or for the arguments raised by my colleague, Mr. Hecht. First point is with
9 respect to the use of testimony from other experts in these proceedings.
10 Judge McKone was correct, there was no objection previously to the
11 testimony and the evidence that we provided with respect to those other
12 experts, including Dr. Traynor and Dr. Eldering. They had every
13 opportunity, Patent Owner did, to object to that evidence in the sur-reply,
14 because we believe that it was raised very clearly in Petitioner's replies, in
15 both the '782 proceeding and the '783 proceeding, exactly what that
16 testimony from Dr. Traynor and Dr. Eldering was submitted for.

17 And they could have objected in the sur-reply. They did not. They
18 also had every opportunity to object to Patent Owner's -- Petitioner's
19 demonstratives, which we exchanged a week ago. And it -- it's very clear
20 how we intended to use, and we're actually using the testimony of Dr.
21 Traynor and Eldering in the demonstratives as well. They did not object to
22 the demonstratives either. Furthermore --

23 JUDGE MCKONE: Well, let me -- let me ask you, just to -- I'm
24 trying to figure out whether any of this matters.

25 MR. WOO: Yeah. Yes, Your Honor.

1 JUDGE MCKONE: And so I assume you want us to use the same
2 claim construction in this case as the previous case; is that correct?

3 MR. WOO: That is correct, Your Honor.

4 JUDGE MCKONE: And it sounds like Patent Owner wants that, too.
5 You know, and the Federal Circuit may weigh in on this construction. I
6 mean, is there any chance that if the Federal Circuit weighs in on the -- on
7 the construction in the previous cases and overturns our construction, that
8 something would turn out different in this proceeding, or are we going to be
9 bound by that either way?

10 I -- I'm just trying to figure out the -- it seems like what Patent
11 Owner's concern is, is that if it wins on claim construction in the Federal
12 Circuit, that somehow this case, you -- you'll argue for your construction
13 again and use this evidence to get that construction, despite what the Federal
14 Circuit says on the construction in the previous cases. Is there any chance of
15 that happening?

16 MR. WOO: We don't believe so, Your Honor. We think that the
17 evidence is compelling in both proceedings. And so and again, as I said, at
18 the very beginning, I think the record is very similar for the two proceedings
19 as well. Does that --

20 JUDGE MCKONE: Well, you're not going to -- well, if -- let -- let's
21 say you -- the claim construction gets appealed in the previous proceedings,
22 you lose, the Federal Circuit says we were wrong, and that Patent Owner
23 was right on construction. Are you going to then, in this proceeding, ask for
24 something different than the Federal Circuit gives?

1 MR. WOO: Well, I believe so, Your Honor, actually. And I think if
2 anything, our record is actually stronger than the prior proceeding, in several
3 respects. I think number one is actually the additional testimony that we
4 mentioned, with respect to Dr. Traynor and Dr. Eldering. Right. So I don't
5 believe doctor --

6 JUDGE MCKONE: All right. I'm just -- so I guess the -- I guess the
7 answer is it -- that testimony might matter, so we do need to consider
8 whether these objections are timely and good and everything. Okay. So that
9 -- that's what I wanted to know.

10 MR. WOO: Oh, okay. Apologies. My mistake for -- my apologies
11 for the misunderstanding. Yes.

12 So in some respects, even though there are substantial overlap
13 between the proceedings, we think we have a stronger record than the prior
14 Microsoft proceeding and -- for several reasons. And, you know, primarily
15 being, Dr. Jakobsson -- the testimony from Dr. Traynor and Dr. Eldering.
16 Right. So with respect to the actual complaint that Patent Owner has with
17 that testimony, it is actually, one, they had every opportunity to object to that
18 testimony. They did not, as I already mentioned.

19 And number two, it's not actually clear what the basis of the Patent
20 Owner's objection actually is. So the very rule the Patent Owner quotes in
21 its demonstrative Slide 5, which is 5 USC Section 50 -- 556(d), it expressly
22 provides that a party is entitled to submit rebuttal evidence. That's exactly
23 what we did with respect to the declarations from Dr. Traynor and Eldering.
24 It was submitted by Petitioner as rebuttal evidence to the testimony of Dr.
25 Jakobsson.

1 And this evidence as demonstrated in both our reply, as well as in the
2 argument today, shows that Dr. Jakobsson's testimony on claim construction
3 is contradicted by or inconsistent with other experts. And again, 35 -- I'm
4 sorry, 5 USC Section 556(d) expressly allows the submission of such
5 rebuttal evidence.

6 Now, one of the reasons the Patent Owner complains about this
7 rebuttal evidence is they say they didn't have a chance to cross-examine any
8 of the witnesses. That is actually demonstrably false. They had every
9 opportunity to take the deposition of our own expert, Dr. Andrew Wolfe.
10 They did not. We actually did the deposition of their expert, Dr. Jakobsson,
11 and that's part of the evidence we submitted in our reply.

12 They could have done the same for both our opening petition. As well
13 as for reply, they could have requested a deposition testimony from doctor --
14 Dr. Wolfe. They did not. And now with respect to Dr. Traynor, that was
15 Microsoft's expert in the '573 and the '407 proceedings. Patent Owner could
16 have deposed Dr. Traynor in those proceedings, but it did not.

17 As you'll see there, and we can -- we also note for the record that
18 Microsoft actually chose to depose Dr. Jakobsson in that proceeding, but
19 Patent Owner did not choose to depose Dr. Traynor in those prior '573 and
20 '407 proceedings, but they had every opportunity to depose Dr. Traynor.
21 And Dr. Eldering, as noted, was Patent Owner's own expert in the Samsung
22 IPR. Presumably, if Patent Owner wanted to, it could have reached out to its
23 own expert to ask for further testimony or some kind of rebuttal evidence to
24 explain or further elucidate upon his prior testimony, but Patent Owner did
25 not. So there was every opportunity for Patent Owner to provide additional

1 evidence or additional testimony from experts -- or deposition testimony, but
2 it elected not to do that.

3 So the second point that Petitioner would like to raise is that they say
4 that Dr. Wolfe never refuted Dr. Jakobsson's testimony that local secured
5 information sorted by the integrated secure memory, the RDC, and PDK are
6 general-purpose computers. Now, Dr. Wolfe actually testified that each of
7 these claim terms recite structure sufficient for performing the enabling
8 function, and so that's the relevant testimony. And in that way, Dr. Wolfe
9 did refute Dr. Jakobsson -- Dr. Jakobsson's opinion that the claim terms do
10 not recite sufficient structure.

11 And as we already demonstrated as part of the oral argument today,
12 Dr. Jakobsson's analysis, with respect to general-purpose computers, was a
13 misapplication of the *Williamson* test. Dr. Jakobsson used that analysis as
14 part of step 1 of the *Williamson* test, whereas it should have been used, if
15 any -- anywhere, in step 2. And only after there had been a finding first that
16 the claim terms were subject to Section 112, Paragraph 6. But that is not the
17 case, so therefore Patent Owner's whole argument about the PDK, the RDC,
18 and memory being general-purpose computers is in opposite from our view.

19 And then just to note, Your Honors actually already recognized the
20 fallacy of Patent Owner's arguments because, in its final written decisions
21 for the '573 and the '407 proceedings, Patent Owner -- Patent Owner --
22 Patent Owner's argument about the general-purpose computers that the --
23 Your Honors recognize that those appear to be based on adding a third
24 general-purpose computer structure category that triggers MPF treatment not
25 supported by any case law.

1 We think that's the same situation that is at hand now. And so for all
2 the reasons that this panel rejected that argument before, Petitioner believes
3 it should do so again in this proceeding. And that concludes our rebuttal,
4 Your Honors.

5 JUDGE DANG: Thank you so much, Mr. Woo.

6 Mr. Hecht, I forgot to tell you how many minutes you have, but you
7 do have 41 minutes.

8 MR. HECHT: Okay. Thank you, Your Honor.

9 I just want to briefly say to the extent -- because Apple opened the
10 door, to the extent that there is -- you know, we're just talking theoretical,
11 but if there is a remand by the Federal Circuit and a rehearing, we would ask
12 for the depositions of -- we would ask the Board compel the depositions of
13 Dr. Traynor. We're losing -- I think we're all losing track of the expert
14 names. But -- and doctor -- which -- whichever the two experts they cited.
15 Let me look at my slides. But the -- and as well as our expert. I think it's
16 complete conjecture as to why we didn't call Dr. Eldering, for example.

17 But yes. That would be our -- you know, our request if this is
18 reopened for whatever reason. And we disagree with Apple as to Dr.
19 Wolfe's -- the sufficiency of Dr. Wolfe's testimony regarding structure as
20 being helpful for the analysis of whether that structure amounts to a general-
21 purpose computer and, you know, how important that would be to the 112-6
22 analysis. And with that, I rest.

23 JUDGE DANG: Okay. Great. Thank you so much. Okay. Well, the
24 panel would like to thank both parties for your presentations today. It was
25 very helpful and will help our -- the -- our record in making our final

1 determination. We will issue the final written decision in due course. And
2 with that, we are adjourned. And please be reminded -- the parties be
3 reminded to stay online to answer questions that our court reporter may
4 have. Thank you so much, and have a good day.

5 (Whereupon, the above-entitled matter went off the record at 10:06
6 a.m.)

Case IPR2024-00782 joined with IPR2024-01399
Patent 8,646,042 B1
Case IPR2024-00783 joined with IPR2025-00075
Patent 9,679,289 B1

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Case IPR2024-00782 joined with IPR2024-01399
Patent 8,646,042 B1
Case IPR2024-00783 joined with IPR2025-00075
Patent 9,679,289 B1

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