

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE, LLC,
Petitioner,

v.

NEONODE SMARTPHONE, LLC,
Patent Owner.

Case No. IPR2021-01041
U.S. Patent No. 8,095,879

CONFERENCE CALL
BEFORE JUDGES MICHELLE N. ANKENBRAND, KARA L.
SZPONDOWSKI, AND CHRISTOPHER L. OGDEN
NOVEMBER 8, 2021

Reported by:
Christy R. Sievert, CSR, RPR
Henderson Legal Services

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REMOTE APPEARANCES

FOR THE PETITIONER:

MR. KEVIN D. RODKEY
Finnegan, Henderson, Farabow,
Garrett & Dunner, LLP
271 17th Street, NW, Suite 1400
Atlanta, Georgia 30363
404-653-6484
kevin.rodkey@finnegan.com

FOR THE PATENT OWNER:

MR. PHILIP J. GRAVES
Hagens Berman Sobol Shapiro
301 North Lake Avenue, Suite 920
Pasadena, California 91101
213-330-7150
philipg@hbsslaw.com

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

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

2 JUDGE ANKENBRAND: Good afternoon. I
3 am Judge Ankenbrand with Judges Ogden and
4 Szpondowski.

5 This is a conference call in IPR
6 2021-01041 between Google, LLC, and Neonode
7 Smartphone, LLC, relating to Patent 8,095,879.

8 Before we get started with the call, let's
9 have a round of introductions.

10 Who's on the line today for Petitioner?

11 MR. RODKEY: Good afternoon, Your
12 Honors. This is Kevin Rodkey for Petitioner,
13 Google, LLC.

14 JUDGE ANKENBRAND: Anyone else for
15 Petitioner?

16 MR. RODKEY: No, just me, Your Honor.

17 JUDGE ANKENBRAND: All right. Thank
18 you, Mr. Rodkey.

19 And who's on the line for Patent Owner?

20 MR. GRAVES: Yes, good afternoon, Your
21 Honor. This is Phil Graves with Hagens Berman Sobol
22 Shapiro for Patent Owner, Neonode Smartphone, LLC.

23 JUDGE ANKENBRAND: And it sounded like
24 we have a court reporter on the line. Is that the
25 case?

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

1 MR. RODKEY: Yes, Your Honor,
2 Petitioner has provided a court reporter.

3 THE STENOGRAPHER: Hi, good afternoon.
4 This is Christy Sievert.

5 JUDGE ANKENBRAND: Good afternoon.

6 And, Mr. Rodkey, if you would, just file
7 the court reporter's transcript as an exhibit in the
8 record once it's available, that would be great.

9 MR. RODKEY: Yes, Your Honor, we will.

10 JUDGE ANKENBRAND: Okay. We convened
11 this call at the parties' request, specifically
12 Petitioner's request, involving authorization to
13 file a reply brief to address four different issues
14 raised in Neonode's preliminary response and the
15 issues as set forth in the e-mail to the Board of
16 November 1st are Patent Owner's General Plastic
17 arguments, Patent Owner's claim construction of the
18 phrases -- the phrase "mobile handheld computer
19 unit" and the term "representation," Patent Owner's
20 motivation to combine arguments, and Patent Owner's
21 secondary considerations argument.

22 And from the responsive e-mail we got from
23 Mr. Graves, it looks like Patent Owner did not
24 oppose Petitioner's request related to secondary
25 considerations as long as it was permitted to file a

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

1 surreply.

2 Have I summarized the parties' e-mails
3 correctly?

4 MR. RODKEY: Yes, Your Honor, that's
5 Petitioner's understanding.

6 JUDGE ANKENBRAND: Okay. So since
7 this was Petitioner's request -- and I guess --
8 well, one question before we get into argument, is
9 it still the case, Mr. Graves, that Patent Owner
10 does not object to a reply on the secondary
11 considerations item?

12 MR. GRAVES: Yes, Your Honor, that is
13 the case. I mean, the fact of the matter is that
14 most of the content in the secondary considerations
15 portion of our brief was publicly available. They
16 could have anticipated that we would make such an
17 argument, but some of it was not publicly available.
18 And, you know, given the nature of the secondary
19 considerations issue, we continue to not oppose
20 their request for additional briefing on that issue,
21 you know, so long as it's kept to a reasonable
22 length; we propose five pages, and that we obtain,
23 you know, a brief of a commensurate length to
24 respond to their arguments.

25 JUDGE ANKENBRAND: All right. Thank

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

1 you.

2 And, Mr. Rodkey, as to the secondary
3 considerations issue, assuming we were to grant your
4 request, does Petitioner oppose Patent Owner's
5 request for a surreply on that particular issue?

6 MR. RODKEY: No, Your Honor, we do
7 not. And, also, if we're granted to reply on the
8 other issues, we do not oppose a surreply on that
9 either.

10 JUDGE ANKENBRAND: Okay. So let's
11 take secondary considerations off the table for
12 purposes of the call since everyone appears to be in
13 agreement that a reply would -- that if we
14 authorized a reply, that would be okay, and, also,
15 it would be okay if we authorized a surreply. So
16 let's just talk about the first three issues, the
17 General Plastic argument, the claim construction and
18 the motivation to combine.

19 And, Mr. Rodkey, since Petitioner is
20 requesting to file the reply brief, I will let you
21 present your argument first. You're free to address
22 all issues at once, or if you want to take them one
23 by one and I'll let Mr. Graves respond one by one,
24 it's up to you. I'll let you lead the argument.

25 MR. RODKEY: Thank you, Your Honor. I

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

1 think it would be easiest just to put them all forth
2 at the same time. And Petitioner is requesting a 12
3 page reply in total for all four of these issues.
4 And I'll take them in the order that Your Honor just
5 mentioned: General Plastic first, followed by claim
6 construction, followed by the motivation to combine
7 issues.

8 With regard to General Plastic, the Board
9 has often found that there's good cause to grant a
10 reply on this issue because it's a threshold issue
11 at institution. And I can give you several cases,
12 but there are a couple of instructive ones. One is
13 Foundation Medicine v. Guardant Health, IPR
14 2019-00634, Paper No. 9.

15 And in that Foundation Medicine decision,
16 and several other decisions -- if you want the
17 citations, I can provide them -- the Board decided
18 that because this is a threshold issue for
19 institution, there is good cause to provide the
20 Board with additional information in response to
21 General Plastic arguments raised by the Patent Owner
22 in order to have the issue fully briefed by the
23 parties.

24 And in this particular case, Patent Owner
25 has introduced evidence that we could not have

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

1 addressed in our petition. For example, they have
2 submitted a declaration, 2005, a particular
3 agreement in Exhibit 2003, a mandamus petition that
4 was filed after the filing of the petition in
5 Exhibit 2016, a venue transfer motion from a pending
6 litigation that we are not party to, and those are
7 not things that we could have addressed in the
8 petition nor could we have anticipated, in part,
9 because they were within Patent Owner's control as
10 with a declaration or they were after arising, and
11 we also have things like changed circumstances where
12 the first-filed IPR petition has now been denied.
13 That took place after we filed our petition, and the
14 impact of that changes the General Plastics
15 analysis.

16 So we would like to be able to address
17 those in order for the Board to have a fully fleshed
18 out General Plastics consideration.

19 And Patent Owner has made several
20 allegations as to the relationship between
21 Petitioner here and at least one Petitioner in the
22 prior filed IPR, and in that Foundation Medicine
23 case, the Board found that there was good cause to
24 be able to address those types of relationship
25 allegations with respect to General Plastic.

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

1 And I think that we have a, you know,
2 very different situation here as well from the
3 decisions that were cited in the preliminary
4 response. For example, in those the first IPR had
5 been instituted. We certainly don't have that
6 situation here, but in order to provide the Board
7 with a fully fleshed out set of arguments, we would
8 need to be able to brief that issue to respond
9 Patent Owner's characterization of those cases which
10 are readily distinguishable from the case at
11 present.

12 In the interest of time, I'll turn to the
13 claim construction issue. Again, these are issues
14 with respect to "mobile handheld computer unit" and
15 the term "representation," not terms that we could
16 have addressed or could have anticipated the Patent
17 Owner's construction in our preliminary response,
18 for example, because these are new constructions.
19 As far as we are aware, there have not been claim
20 construction in the co-pending litigations that
21 Patent Owner raised in their General Plastic
22 argument, and so we couldn't have anticipated such a
23 construction in our preliminary response if they're
24 not out there -- in our petition if those
25 constructions are not out there in the prior filed

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

1 litigations in the district courts.

2 The Board has granted replies on claim
3 constructions in similar circumstances. One example
4 of that is Runway Safe Group v. Earthstone
5 International, IPR 2019-01490, Paper No. 11. And
6 it, again, granted the Petitioner a pre-institution
7 reply to address unforeseen claim constructions
8 including potential conflicts with the
9 specification, which is something that we have here.

10 Regarding the constructions put forth by
11 Patent Owner, they put forth a construction of
12 representation and the representation of the
13 function term at the preliminary response page 53.
14 And it's not based on the specification, but it's,
15 rather, based on the new expert declarations in
16 Exhibit 2001, that did not exist when we filed the
17 petition, and also a new exhibit, which is the
18 dictionary in 2006, which was not of record when we
19 filed the petition, nor could we have anticipated
20 that.

21 There is a new construction of "mobile
22 handheld computer unit" in the preliminary response
23 at page 21. And, again, this is contrary to
24 descriptions in the specification as was the case in
25 that Runway Safe decision by the Board, and we need

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

1 to be able to address that.

2 With respect to representation of a
3 function, the Patent Owner's construction called it,
4 "To refer to an icon or other image that represented
5 a function." And, again, it relies on the
6 dictionary definition that wasn't of record before,
7 nor could we have addressed it because we didn't
8 know that Patent Owner was going to rely on this
9 dictionary as extrinsic evidence for a particular
10 construction.

11 Also, the construction refers to an image.
12 The word "image" doesn't appear in the specification
13 of the patent. We could not have anticipated the
14 construction just based on words that do not appear
15 in the intrinsic record or particularly the
16 specification in the intrinsic record of the patent.

17 So we need to be able to address this new
18 construction before the Board, and also the fact
19 that it does not change the fact that the claims are
20 invalid and unpatentable even if the construction is
21 adopted.

22 With regard to "mobile handheld computer
23 unit," Patent Owner put forth construction, again,
24 at preliminary response page 21, that it is
25 typically designed to be held in one hand, a whole

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

1 being operated by the same or one hand -- or I'm
2 sorry -- or other hand.

3 Well, the problem with that is it's
4 contrary to the specification in which the Board has
5 found is good cause to address construction. We
6 could not have anticipated that where the
7 specification says a handheld computer is a laptop
8 device, the Patent Owner would say, no, that is not.
9 And that's something that we need to be able to
10 address here because we could not have anticipated
11 that contrary definition like in the Runway Safe
12 case.

13 If there are no questions from the Board
14 on that, I will go to the expert --

15 JUDGE ANKENBRAND: I do have a few
16 questions. Well, at least one question right now.
17 I mean, isn't it the case that in any -- in any
18 petition, you don't necessarily know Patent Owner's
19 construction before you file the petition, so
20 wouldn't, in part, your argument be that anytime
21 Patent Owner offers a construction after a petition,
22 we should be allowing a reply brief?

23 MR. RODKEY: No, Your Honor, I think
24 it depends on the facts of each case. For example,
25 representation here, it depends on extrinsic

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

1 evidence and it uses language that's not part of the
2 specification. There's no way we could have
3 anticipated that.

4 With regard to "mobile handheld computer
5 unit," you have a contrary definition in the
6 specification that we could not have anticipated
7 they would take the contrary position to. If it
8 were the case that the specification said a mobile
9 handheld computer is not a laptop, that's something
10 we could have anticipated because it would have
11 aligned with the Patent Owner's construction,
12 whereas here, it is contrary to the Patent Owner's
13 construction.

14 So I don't think this would open the door
15 to preliminary replies in all cases. I think you
16 have to look at the facts in each case. But the
17 facts here align with what the Board has found to be
18 good cause in previous decisions.

19 JUDGE ANKENBRAND: Well, I also have
20 another question. For purposes of claim
21 construction, aren't we going to be looking at the
22 specification? So can't we make that determination
23 as to whether a construction that Patent Owner
24 offered is contrary to what the specification states
25 without additional briefing?

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

1 MR. RODKEY: Yes, Your Honor, you
2 could look at the specification itself, but the fact
3 that the Board can do that doesn't mean that there's
4 not good cause for Petitioner to respond. I believe
5 in this case there is good cause for Petitioner to
6 respond because of the contrary facts and also
7 because of the language the Patent Owner has used;
8 in the construction, the Patent Owner has used the
9 same specification. Also relying on extrinsic
10 evidence, which is different from the case that Your
11 Honor just presented where you're looking solely at
12 the patent.

13 JUDGE ANKENBRAND: I do have one more
14 question, and it might be better for me to ask
15 Mr. Graves, but I'm going to ask you as well. Do
16 you recall whether Patent Owner raised either of
17 these particular claim constructions in the other
18 IPR challenging this patent?

19 MR. GRAVES: This is Mr. Graves.
20 Yes, Your Honor, we did. With respect to
21 the argument concerning representation in our brief,
22 most of that discussion was ported over directly
23 from our POPR in IPR 2021-00144, which was filed
24 about three months prior to the filing of the
25 petition in this IPR. So Petitioner here clearly

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

1 had an opportunity to evaluate and respond to any
2 issues that they had with respect to our
3 understanding of representation.

4 There are kind of specific aspects of the
5 application of that are obviously different here
6 than were different in the 144 IPR. But, for
7 example, you know, the extrinsic evidence, the
8 dictionary definition and figures and so on that
9 Mr. Rodkey is referring to in his argument here
10 today were all included in our POPR in the 144 IPR
11 and were attached as exhibits to that IPR.

12 JUDGE ANKENBRAND: Okay. Thank you.

13 Mr. Rodkey, do you have a response to
14 that? I mean, it seems like this issue is not new
15 in the sense you're saying it's new, but maybe you
16 have a response.

17 MR. RODKEY: Yes, Your Honor. And I
18 believe that response is that would -- Patent Owner
19 is essentially trying to say that -- it's putting
20 Petitioner in kind of a catch-22 of you're damned if
21 you do and you're damned if you don't, because if
22 we're not looking at the preliminary response in
23 144, which we didn't rely on that when we filed our
24 petition because that creates a General Plastics
25 issue, but now they're faulting us for not doing

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

1 that because they say that there was a claim
2 construction raised there, but at the same time, it
3 puts you in a difficult spot where it's really
4 unfair to the Petitioner because you're being
5 criticized either way.

6 The other -- I mean, the base problem here
7 is it's a new construction to us. We are not a
8 party to the litigation, and so we've not been
9 involved in those types of things where we could
10 have addressed this in another form or known of it
11 from another form.

12 But at core, though, it doesn't matter
13 because the base reference Robertson does include
14 icons and it does include images. You can see that
15 just from the figure itself. So it is readily
16 apparent from the prior reference the Patent Owner
17 is arguing, but the icons are there.

18 JUDGE ANKENBRAND: Just a follow-up.
19 You did, though, however, identify the 144 IPR in
20 your related matters in this case; isn't that right?

21 MR. RODKEY: Yes, Your Honor.

22 JUDGE ANKENBRAND: So you are aware of
23 its existence?

24 MR. RODKEY: Yes, Your Honor.

25 JUDGE ANKENBRAND: Okay. I just

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

1 wanted to check.

2 Okay. I think you were going to continue
3 to motivation to combine.

4 MR. RODKEY: Yes. And, again, there's
5 good cause here, and the Board has found good cause
6 to address characterizations in the prior art in the
7 invention in the Intel v. FG SRC, IPR 2020-01449,
8 Paper 10, to allow Petitioner to respond to
9 characterizations in the prior art in the
10 pre-institution reply.

11 And here we have a number of
12 characterizations from the Patent Owner, again,
13 based on an expert declaration from Dr. Craig
14 Rosenberg, that did not exist at the time that we
15 filed the petition. And we need to be able to
16 address those characterizations of the prior art,
17 because, quite frankly, they're technologically
18 wrong and they are legally wrong and they are not
19 something that we could have anticipated at the time
20 that the petition was filed.

21 And, for example, it -- the preliminary
22 response doesn't address any of these issues in the
23 petition, such as additional operating systems,
24 additional command languages that are disclosed in
25 Robertson; it focuses on the combination of X

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

1 buttons with personal digital assistants,
2 specifically, which is legally wrong because bodily
3 incorporations don't matter and the fact that they
4 could be combined. And we want to address
5 Dr. Rosenberg's testimony that is based on -- or
6 that is supporting the preliminary response in a way
7 that we could not address in the petition because it
8 didn't exist at the time.

9 JUDGE ANKENBRAND: Okay. Thank you,
10 Mr. Rodkey. I will let Mr. Graves respond to your
11 arguments.

12 MR. GRAVES: Thank you, Your Honor.
13 And good afternoon. Phil Graves for Patent Owner.

14 So it seems to us here that Petitioner is
15 really just asking for a do-over on their petition,
16 which is particularly frustrating for us given that,
17 in our view, and as we set out in our argument on
18 the General Plastics in Valve Corporation factors,
19 this entire petition is simply an attempt to obtain
20 a do-over in an abuse of the IPR process in light of
21 the fact that Petitioner was able to benefit from
22 having seen our arguments in the 144 IPR for about
23 three months prior to filing this petition.

24 But in any event, I'll just walk through
25 the three areas in which they're requesting

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

1 additional briefing.

2 First, on General Plastics, they actually
3 made their own General Plastics argument at pages
4 125 -- I'm sorry -- 105 to -06 of their brief. And
5 our response, you know, contains little or nothing
6 that could be accurately characterized as new.
7 Principally, what we did was we pointed out why
8 their petition falls within General Plastics in
9 Valve Corp. and other IPR cases addressing those
10 factors and why their arguments that they made in
11 their own petition to try to distinguish General
12 Plastics don't stand up.

13 You know, so I think the Board can
14 evaluate their arguments and our arguments and make
15 a determination as to which side has the better of
16 it without getting additional briefing on the issue.

17 With respect to their argument for
18 additional briefing on claim construction, you know,
19 we've already really addressed the issue of
20 representation, Your Honor, in response to your
21 specific question. You know, as I pointed out, the
22 vast bulk of our presentation in our POPR in this
23 IPR was ported over from the 144 IPR. They
24 obviously had a chance to take a look at it,
25 understand it, address it if they felt it important,

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

1 and they didn't.

2 With respect to --

3 JUDGE ANKENBRAND: Could I ask a
4 question, Mr. Graves?

5 MR. GRAVES: Sure.

6 JUDGE ANKENBRAND: How do you respond
7 to Mr. Rodkey's argument that had they done that, it
8 puts them in a catch-22 because then they sort of
9 fall into a General Plastic, for lack of a better
10 term, let me just say trap, they fall into a General
11 Plastic trap because they address what you provide
12 in the other IPR and then that would support Patent
13 Owner's argument that this is simply just like a
14 do-over and they were using your preliminary
15 response as a roadmap?

16 MR. GRAVES: Right, but there's no
17 catch-22 here because, you know, the fact of the
18 matter is they've acknowledged in their petition by
19 pointing out related cases that they're aware of the
20 144 IPR. Undoubtedly, they reviewed our POPR prior
21 to filing this petition. All right. So there's no
22 catch-22.

23 The assumption here, given the fact that
24 they acknowledge their awareness of the 144 IPR is
25 that they, in fact, did read it, yet here they chose

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

1 strategically, tactically, for whatever reason, not
2 to address, you know, the arguments and the
3 explanation provided concerning the meaning of the
4 term "representation" when they filed this petition.

5 So, you know, they would have lost nothing
6 by having taken advantage of their opportunity to
7 respond with respect to the meaning of the term
8 "representation." In this petition they chose not
9 to do so. So that -- you know, that's not a
10 circumstance that justifies additional briefing on
11 the issue on their part.

12 And in any event, we're not even offering
13 in our POPR a particularized construction of the
14 term "representation." We essentially simply point
15 out why they failed to satisfy their responsibility
16 for demonstrating that that element of the claim
17 term is satisfied with respect to the Robertson
18 reference that they proffer as their primary
19 reference for ground one.

20 With respect to handheld mobile device, so
21 they actually proffered their own understanding of
22 what a handheld mobile device is, and the support
23 they believe is in the specification for that at
24 page 17, note 3 of their petition.

25 You know, in the petition they informed

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

1 the Board that no claim constructions were
2 necessary. Page 4. They then represented
3 repeatedly -- or repeatedly characterized a laptop
4 as a handheld mobile device at pages 13 to 17 of
5 their petition. Then they dropped footnotes to
6 present their argument for why they believe a laptop
7 is a handheld mobile device. That's page 17, note
8 3.

9 Our analysis of whether a laptop is a
10 handheld mobile device, and we point out that we do
11 not believe it is, spans two pages, and half of that
12 is simply responding to their footnote that they
13 dropped reflecting, you know, their argument or
14 reason for characterizing the laptop as a handheld
15 mobile device.

16 So, again, here, you know, the issue is
17 going to, in large part, boil down to what's in the
18 specification, as it generally does, and the Board
19 has the parties' positions, including Petitioner's
20 position on this reflected in the petition, and the
21 Board is perfectly capable of making its own
22 determination as to which side has the better of the
23 argument based on the papers that have already been
24 submitted. There's no need for additional briefing.

25 With respect to the issue of the

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

1 supposedly new, I guess, expert declaration we're
2 submitting, you know, I'm just a little flummoxed
3 here. As Your Honor pointed out, to accept
4 Petitioner's position would, in effect, ratify a new
5 IPR process where there's just kind of this endless
6 round of briefing following the petition. Right?
7 Petitioner files a petition. Patent Owner files the
8 preliminary response. But then there's a reply to
9 respond to the, you know, arguments and expert
10 declaration on motivation to combine in the
11 preliminary response that would be filed by the
12 Petitioner and then presumably a surreply following
13 that, all this happening before the institution
14 decision.

15 You know, that's not the way the IPR
16 process works. They file their petition, and that's
17 what defines the scope of the matter. Then the
18 Patent Owner gets to respond to that. And that's
19 exactly what we did. The vast bulk of our POPR in
20 Dr. Rosenberg's declaration is simply addressing the
21 deficiencies in Petitioner's petition and in the
22 declaration of their expert that they submitted in
23 support of their petition.

24 We don't present any new arguments. We
25 simply respond to theirs. Petitioner already has --

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

1 they have six pages of argument, pages 13 to 19, of
2 their petition concerning motivation to combine
3 their, you know, Robertson reference and their
4 Maddalozzo reference -- although, as we point out,
5 it's really unclear as to whether they're actually
6 relying on their Maddalozzo reference or some kind
7 of specified handheld mobile device that they never
8 adequately characterize.

9 And that's one of the reasons that they
10 want additional briefings because -- you know, what
11 we point out is that they simply failed to do their
12 job in the petition, and they want to try to correct
13 that, but they should have done a better job in
14 their petition.

15 So just bear with me a moment, Your Honor.
16 I'm just taking a look at my notes.

17 All right. So I think that adequately
18 characterizes our, you know, position in response to
19 their request for additional briefing. And if you
20 have any questions for me, I would be happy to
21 address them.

22 JUDGE ANKENBRAND: Thank you,
23 Mr. Graves. I don't have any additional questions
24 for you.

25 I think we have the parties' positions. I

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

1 will just touch base with Mr. Rodkey to see if
2 there's anything else we need to know, and, if so, I
3 would ask to keep it brief before we'll ask the
4 parties to hold the line for a moment.

5 MR. GRAVES: Certainly. Thank you,
6 Your Honor.

7 MR. RODKEY: Thank you, Your Honor.
8 This is Kevin Rodkey for Petitioner. I do want to
9 just respond with a handful of brief points.

10 First, Patent Owner says we're looking for
11 a do-over on the petition. We most certainly are
12 not. The petition stands on its own, and we are
13 simply looking to respond to arguments that we could
14 not have anticipated that were raised in the Patent
15 Owner's response. This is not a situation where
16 we're looking for endless briefing.

17 And the one thing you didn't hear from
18 Patent Owner regarding things like motivation to
19 combine was how we could have anticipated and
20 responded to that declaration at the time we filed
21 the petition, which is the question that's before
22 the Board now.

23 And with regard to -- well, I'll just
24 leave it there because you asked me to be brief.

25 JUDGE ANKENBRAND: All right. Thank

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

1 you, Mr. Rodkey. I appreciate your brevity.

2 We'll just ask you to hold the line for a
3 moment while the panel confers.

4 (Panel confers.)

5 JUDGE ANKENBRAND: This is Judge
6 Ankenbrand. Are you still there?

7 MR. RODKEY: Yes, Your Honor.

8 JUDGE ANKENBRAND: And, Mr. Graves?

9 MR. GRAVES: Yes, Your Honor.

10 JUDGE ANKENBRAND: All right. The
11 panel has conferred, and we have determined that we
12 are going to allow a reply and a surreply on two of
13 the issues raised in Petitioner's request,
14 specifically of the General Plastic issue and also
15 on the secondary considerations issue. We are not
16 going to allow a reply or surreply on the claim
17 construction issue or the reason to combine,
18 motivation to combine issue that Petitioner has
19 sought authorization for. We will allow the reply
20 and surreply to be seven pages each, again, limited
21 to those two issues, General Plastic and secondary
22 considerations.

23 Mr. Rodkey, when can you have a reply
24 brief to us? How much time do you need?

25 MR. RODKEY: Your Honor, we would like

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

1 five business days, please.

2 JUDGE ANKENBRAND: Okay. And,
3 Mr. Graves, is five business days enough for a
4 surreply?

5 MR. GRAVES: Yes, Your Honor.

6 JUDGE ANKENBRAND: Okay. Then the
7 reply will be due within five business days, let's
8 say of tomorrow, since it's already late in the day,
9 at least on the East Coast for this phone call. So
10 by my calculations, that would be Tuesday the 16th
11 the reply would be due, and then Tuesday the 23rd
12 the surreply would be due. Does that sound right to
13 everybody?

14 MR. RODKEY: Your Honor, I believe the
15 11th might be a federal holiday for Veteran's Day.

16 JUDGE ANKENBRAND: You're correct.
17 Okay. So we can make it the 17th and the 24th.

18 MR. GRAVES: That's fine with Patent
19 Owner, Your Honor.

20 JUDGE ANKENBRAND: Okay. Does that
21 work for you, Mr. Rodkey?

22 MR. RODKEY: Yes, Your Honor.

23 JUDGE ANKENBRAND: Okay. So the reply
24 will be due November 17th, and the surreply will be
25 due November 24th.

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

1 Because we have a court reporter on the
2 line today, we are not going to issue an order.
3 We'll let the transcript stand as the order. And I
4 will just summarize it again so we all have it handy
5 at the end of the transcript.

6 So we will allow a reply and a surreply on
7 the General Plastic and secondary considerations
8 issues. The reply and surreply will be limited to
9 seven pages each, and the reply will be filed on
10 November 17th and the surreply on November 24th.
11 That's a summary of our ruling today.

12 And it should go without saying, I don't
13 think anybody has asked for additional evidence
14 today, but we don't plan on seeing additional
15 evidence with the reply and surreply.

16 But I should ask before we end the call,
17 Mr. Rodkey, did you intend to submit additional
18 evidence as well?

19 MR. RODKEY: Your Honor, at this time,
20 we do not, but we would like to have the option to
21 submit a declaration if we need one for the
22 relationship between the parties and, I guess,
23 Samsung is who they -- who Patent Owner's alleged.

24 JUDGE ANKENBRAND: Okay. I think that
25 sounds reasonable.

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

1 How about you, Mr. Graves, are you
2 anticipating any evidence?

3 MR. GRAVES: Your Honor, I think we'll
4 have to see what Petitioner files. I am not
5 presently anticipating that we would want to proffer
6 any additional evidence, and I, you know, can
7 represent that we would only do so in response to
8 arguments or evidence that are made or that are
9 proffered by Petitioner and only if we feel it's
10 truly necessary.

11 JUDGE ANKENBRAND: Okay. Well, how
12 about we leave it at this: We will allow, if
13 necessary, a declaration of the type that Mr. Rodkey
14 described, about the relationship between the
15 Petitioner, Google in this case, and the Petitioner
16 in the other case. If there's additional evidence
17 after the reply comes in, we would hope the parties
18 would meet and confer to discuss it, but if an issue
19 arises about the additional evidence, then you can
20 reach out to the Board. Does that work?

21 MR. GRAVES: Yes, Your Honor, it
22 certainly works for Patent Owner. Thank you.

23 JUDGE ANKENBRAND: Okay. The one
24 other thing I wanted to raise while I had you both
25 on the line, I think Patent Owner's preliminary

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

1 response was filed as "Board and Parties Only," but
2 I don't see a motion to seal and I also don't see a
3 redacted version in the record. So usually when you
4 file something under seal as "Board and Parties
5 Only," we require a motion to seal and a redacted
6 version. So I don't know if that was just something
7 you overlooked, Mr. Graves, or you intended to file
8 but hadn't, but it would be good if you can get
9 those filed on the record.

10 MR. GRAVES: Yes, Your Honor. If I
11 could just take a moment to address that.

12 So the -- we do not believe that the POPR
13 contains any, you know, truly confidential
14 information. However, in IPR 2021-145, we filed a
15 Patent Owner's response and supporting evidence that
16 Samsung in that IPR characterized and has asserted
17 as confidential and has moved to seal. We opposed,
18 and that motion is -- it has been denied without
19 prejudice, you know, kind of pending the parties'
20 meeting and conferring regarding a protective order
21 and then, you know, essentially readdressing the
22 issue.

23 So I had actually called and spoken with a
24 clerk of the Board prior to filing our POPR,
25 explained the situation and asked, you know, whether

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

1 it would make sense for us to simply file this POPR
2 in this IPR, you know, provisionally sealed for
3 "Board and Parties Only," right, just pending the
4 outcome of the motion to seal that was filed by
5 Samsung in the 145 IPR. And, essentially, we would
6 just do whatever the Board -- do in this IPR
7 whatever the Board instructs us to do in the 145
8 IPR. The clerk informed me that that would be an
9 acceptable procedure. And so that's kind of where
10 we have left it.

11 Certainly, if the Board would like me --
12 or like us to file a redacted version in this IPR,
13 we could do so, you know, but it was our expectation
14 that the Board would resolve this issue in
15 connection with the 145 IPR and then we would just,
16 you know, do in this IPR whatever the Board
17 instructed us to do in that IPR.

18 So I'm sorry for taking, you know,
19 probably longer than I should have on this issue,
20 but long story short, you know, we'll obviously do
21 in this IPR whatever the Board would like us to do.

22 JUDGE ANKENBRAND: No, that's fine.
23 Thank you, I appreciate that, Mr. Graves. I don't
24 think we were aware of the fact that -- if I was
25 aware of the fact that you spoke to someone at the

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

1 Board, it's completely gone out of my mind. So
2 thank you for at least either refreshing my
3 recollection or letting me know that you spoke with
4 someone at the Board, but that sounds reasonable.

5 I wasn't -- I didn't know -- obviously,
6 you know, I didn't know exactly what was
7 confidential about the POPR, and I didn't know if it
8 was any of the information, the secondary
9 considerations information of Patent Owners. So I
10 was sort of operating under that assumption, but
11 that seems to not be the case. So we can just wait
12 to see what happens in the 145 case before you
13 submit anything.

14 MR. GRAVES: Thank you, Your Honor.

15 JUDGE ANKENBRAND: All right. Before
16 we end the call for the day, I'll just touch base
17 with the parties to see if there's anything else for
18 us to discuss.

19 Mr. Rodkey, anything?

20 MR. RODKEY: No, Your Honor, nothing
21 from Petitioner.

22 JUDGE ANKENBRAND: And, Mr. Graves?

23 MR. GRAVES: Nothing from Patent
24 Owner. Thank you, Your Honor.

25 JUDGE ANKENBRAND: Okay. And nothing

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

1 from my colleagues either. So with that, we are
2 adjourned.

3 And, Mr. Rodkey, just remember to file the
4 transcript as an exhibit in this proceeding.

5 Thanks everybody and have a good
6 afternoon.

7 (Adjourned at 4:14 p.m.)

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

1 CERTIFICATE OF REPORTER

2

3 I, Christy R. Sievert, CSR, RPR,
 4 Registered Professional Reporter, in and for the
 5 State of Texas, County of Rockwall, the officer
 6 before whom the proceedings were taken, do hereby
 7 certify that the foregoing transcript is a true and
 8 accurate record of these proceedings; that said
 9 proceedings were taken in Stenotype note by me on
 10 the 8th day of November, 2021, commencing at 3:30
 11 p.m. EST and ending at 4:14 p.m. EST.

12 I further certify that present on
 13 behalf of Google, LLC, was Kevin D. Rodkey of
 14 Finnegan, Henderson, Farabow, Garrett & Dunner, LLP,
 15 and on behalf of Neonode Smartphone, LLC, was
 16 Phillip J. Graves of Hagens Berman Sobol Shapiro.

17 I further certify that I am not
 18 related to, nor associated with any of the parties
 19 or their attorneys, nor do I have any disqualifying
 20 interest, personal or financial, in the actions
 21 within.

22 Dated this 9th day of November, 2021.

23 

24 Christy R. Sievert, CSR RPR
 Texas CSR 8172
 25 Expiration Date: 4-30-2023

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

| | | | | |
|----------------------|-----------------------|-----------------------|-----------------------|------------------------|
| A | adopted 11:21 | 29:2,5 | associated | Board 1:3 4:15 |
| able 8:16,24 | advantage | anybody 28:13 | 34:18 | 7:8,17,20 |
| 9:8 11:1,17 | 21:6 | anytime 12:20 | assuming 6:3 | 8:17,23 9:6 |
| 12:9 17:15 | afternoon 3:2 | apparent | assumption | 10:2,25 |
| 18:21 | 3:11,20 4:3,5 | 16:16 | 20:23 32:10 | 11:18 12:4 |
| abuse 18:20 | 18:13 33:6 | APPEAL 1:3 | Atlanta 2:6 | 12:13 13:17 |
| accept 23:3 | agreement | appear 11:12 | attached 15:11 | 14:3 17:5 |
| acceptable | 6:13 8:3 | 11:14 | attempt 18:19 | 19:13 22:1 |
| 31:9 | align 13:17 | APPEARAN... | attorneys | 22:18,21 |
| accurate 34:8 | aligned 13:11 | 2:1 | 34:19 | 25:22 29:20 |
| accurately | allegations | appears 6:12 | authorization | 30:1,4,24 |
| 19:6 | 8:20,25 | application | 4:12 26:19 | 31:3,6,7,11 |
| acknowledge | alleged 28:23 | 15:5 | authorized | 31:14,16,21 |
| 20:24 | allow 17:8 | appreciate | 6:14,15 | 32:1,4 |
| acknowledg... | 26:12,16,19 | 26:1 31:23 | available 4:8 | bodily 18:2 |
| 20:18 | 28:6 29:12 | areas 18:25 | 5:15,17 | boil 22:17 |
| actions 34:20 | allowing 12:22 | arguing 16:17 | Avenue 2:10 | brevity 26:1 |
| additional | analysis 8:15 | argument 4:21 | aware 9:19 | brief 4:13 5:15 |
| 5:20 7:20 | 22:9 | 5:8,17 6:17 | 16:22 20:19 | 5:23 6:20 9:8 |
| 13:25 17:23 | Ankenbrand | 6:21,24 9:22 | 31:24,25 | 12:22 14:21 |
| 17:24 19:1 | 1:15 3:2,3,14 | 12:20 14:21 | awareness | 19:4 25:3,9 |
| 19:16,18 | 3:17,23 4:5 | 15:9 18:17 | 20:24 | 25:24 26:24 |
| 21:10 22:24 | 4:10 5:6,25 | 19:3,17 20:7 | B | briefed 7:22 |
| 24:10,19,23 | 6:10 12:15 | 20:13 22:6 | base 16:6,13 | briefing 5:20 |
| 28:13,14,17 | 13:19 14:13 | 22:13,23 | 25:1 32:16 | 13:25 19:1 |
| 29:6,16,19 | 15:12 16:18 | 24:1 | based 10:14 | 19:16,18 |
| address 4:13 | 16:22,25 | arguments | 10:15 11:14 | 21:10 22:24 |
| 6:21 8:16,24 | 18:9 20:3,6 | 4:17,20 5:24 | 17:13 18:5 | 23:6 24:19 |
| 10:7 11:1,17 | 24:22 25:25 | 7:21 9:7 | 22:23 | 25:16 |
| 12:5,10 17:6 | 26:5,6,8,10 | 18:11,22 | bear 24:15 | briefings |
| 17:16,22 | 27:2,6,16,20 | 19:10,14,14 | behalf 34:13 | 24:10 |
| 18:4,7 19:25 | 27:23 28:24 | 21:2 23:9,24 | 34:15 | bulk 19:22 |
| 20:11 21:2 | 29:11,23 | 25:13 29:8 | believe 14:4 | 23:19 |
| 24:21 30:11 | 31:22 32:15 | arises 29:19 | 15:18 21:23 | business 27:1 |
| addressed 8:1 | 32:22,25 | arising 8:10 | 22:6,11 | 27:3,7 |
| 8:7 9:16 11:7 | anticipated | art 17:6,9,16 | 27:14 30:12 | buttons 18:1 |
| 16:10 19:19 | 5:16 8:8 9:16 | asked 25:24 | benefit 18:21 | C |
| addressing | 9:22 10:19 | 28:13 30:25 | Berman 2:10 | C 3:1 |
| 19:9 23:20 | 11:13 12:6 | asking 18:15 | 3:21 34:16 | calculations |
| adequately | 12:10 13:3,6 | aspects 15:4 | better 14:14 | 27:10 |
| 24:8,17 | 13:10 17:19 | asserted 30:16 | 19:15 20:9 | California 2:11 |
| adjourned | 25:14,19 | assistants | 22:22 24:13 | call 1:14 3:5,8 |
| 33:2,7 | anticipating | 18:1 | | |

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

| | | | | |
|---|--|--|--|---|
| 4:11 6:12 27:9 28:16 32:16 called 11:3 30:23 capable 22:21 case 1:10 3:25 5:9,13 7:24 8:23 9:10 10:24 12:12 12:17,24 13:8,16 14:5 14:10 16:20 29:15,16 32:11,12 cases 7:11 9:9 13:15 19:9 20:19 catch-22 15:20 20:8,17,22 cause 7:9,19 8:23 12:5 13:18 14:4,5 17:5,5 certainly 9:5 25:5,11 29:22 31:11 CERTIFICATE 34:1 certify 34:7,12 34:17 challenging 14:18 chance 19:24 change 11:19 changed 8:11 changes 8:14 characteriza... 9:9 characteriza... 17:6,9,12,16 characterize 24:8 | characterized 19:6 22:3 30:16 characterizes 24:18 characterizing 22:14 check 17:1 chose 20:25 21:8 CHRISTOPH... 1:15 Christy 1:23 4:4 34:3,24 circumstance 21:10 circumstanc... 8:11 10:3 citations 7:17 cited 9:3 claim 4:17 6:17 7:5 9:13 9:19 10:2,7 13:20 14:17 16:1 19:18 21:16 22:1 26:16 claims 11:19 clearly 14:25 clerk 30:24 31:8 co-pending 9:20 Coast 27:9 colleagues 33:1 combination 17:25 combine 4:20 6:18 7:6 17:3 23:10 24:2 25:19 26:17 26:18 | combined 18:4 comes 29:17 command 17:24 commencing 34:10 commensur... 5:23 completely 32:1 computer 4:18 9:14 10:22 11:22 12:7 13:4,9 concerning 14:21 21:3 24:2 confer 29:18 conference 1:14 3:5 conferred 26:11 conferring 30:20 confers 26:3,4 confidential 30:13,17 32:7 conflicts 10:8 connection 31:15 consideration 8:18 consideratio... 4:21,25 5:11 5:14,19 6:3 6:11 26:15 26:22 28:7 32:9 construction 4:17 6:17 7:6 9:13,17,20 | 9:23 10:11 10:21 11:3 11:10,11,14 11:18,20,23 12:5,19,21 13:11,13,21 13:23 14:8 16:2,7 19:18 21:13 26:17 constructions 9:18,25 10:3 10:7,10 14:17 22:1 contains 19:5 30:13 content 5:14 continue 5:19 17:2 contrary 10:23 12:4,11 13:5 13:7,12,24 14:6 control 8:9 convened 4:10 core 16:12 Corp 19:9 Corporation 18:18 correct 24:12 27:16 correctly 5:3 County 34:5 couple 7:12 court 3:24 4:2 4:7 28:1 courts 10:1 Craig 17:13 creates 15:24 criticized 16:5 CSR 1:23 34:3 34:24,24 <hr/> D <hr/> | D 2:4 3:1 34:13 damned 15:20 15:21 Date 34:25 Dated 34:22 day 27:8,15 32:16 34:10 34:22 days 27:1,3,7 decided 7:17 decision 7:15 10:25 23:14 decisions 7:16 9:3 13:18 declaration 8:2,10 17:13 23:1,10,20 23:22 25:20 28:21 29:13 declarations 10:15 deficiencies 23:21 defines 23:17 definition 11:6 12:11 13:5 15:8 demonstrati... 21:16 denied 8:12 30:18 depends 12:24 12:25 described 29:14 descriptions 10:24 designed 11:25 determination 13:22 19:15 22:22 determined |
|---|--|--|--|---|

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

| | | | | |
|-----------------------|------------------------|------------------------|-------------------------|------------------------|
| 26:11 | e-mail 4:15,22 | 16:23 | 23:16 30:4,7 | found 7:9 8:23 |
| device 12:8 | e-mails 5:2 | expectation | 31:1,12 33:3 | 12:5 13:17 |
| 21:20,22 | Earthstone | 31:13 | filed 8:4,13,22 | 17:5 |
| 22:4,7,10,15 | 10:4 | expert 10:15 | 9:25 10:16 | Foundation |
| 24:7 | easiest 7:1 | 12:14 17:13 | 10:19 14:23 | 7:13,15 8:22 |
| dictionary | East 27:9 | 23:1,9,22 | 15:23 17:15 | four 4:13 7:3 |
| 10:18 11:6,9 | effect 23:4 | Expiration | 17:20 21:4 | frankly 17:17 |
| 15:8 | either 6:9 | 34:25 | 23:11 25:20 | free 6:21 |
| different 4:13 | 14:16 16:5 | explained | 28:9 30:1,9 | frustrating |
| 9:2 14:10 | 32:2 33:1 | 30:25 | 30:14 31:4 | 18:16 |
| 15:5,6 | element 21:16 | explanation | files 23:7,7 | fully 7:22 8:17 |
| difficult 16:3 | endless 23:5 | 21:3 | 29:4 | 9:7 |
| digital 18:1 | 25:16 | extrinsic 11:9 | filing 8:4 14:24 | function 10:13 |
| directly 14:22 | entire 18:19 | 12:25 14:9 | 18:23 20:21 | 11:3,5 |
| disclosed | essentially | 15:7 | 30:24 | further 34:12 |
| 17:24 | 15:19 21:14 | | financial 34:20 | 34:17 |
| discuss 29:18 | 30:21 31:5 | F | fine 27:18 | |
| 32:18 | EST 34:11,11 | fact 5:13 11:18 | 31:22 | G |
| discussion | evaluate 15:1 | 11:19 14:2 | Finnegan 2:4 | G 3:1 |
| 14:22 | 19:14 | 18:3,21 | 34:14 | Garrett 2:5 |
| disqualifying | event 18:24 | 20:17,23,25 | first 6:16,21 | 34:14 |
| 34:19 | 21:12 | 31:24,25 | 7:5 9:4 19:2 | General 4:16 |
| distinguish | everybody | factors 18:18 | 25:10 | 6:17 7:5,8,21 |
| 19:11 | 27:13 33:5 | 19:10 | first-filed 8:12 | 8:14,18,25 |
| distinguish... | evidence 7:25 | facts 12:24 | five 5:22 27:1 | 9:21 15:24 |
| 9:10 | 11:9 13:1 | 13:16,17 | 27:3,7 | 18:18 19:2,3 |
| district 10:1 | 14:10 15:7 | 14:6 | fleshed 8:17 | 19:8,11 20:9 |
| do-over 18:15 | 28:13,15,18 | failed 21:15 | 9:7 | 20:10 26:14 |
| 18:20 20:14 | 29:2,6,8,16 | 24:11 | flummoxed | 26:21 28:7 |
| 25:11 | 29:19 30:15 | fall 20:9,10 | 23:2 | generally |
| doing 15:25 | exactly 23:19 | falls 19:8 | focuses 17:25 | 22:18 |
| door 13:14 | 32:6 | far 9:19 | follow-up | Georgia 2:6 |
| Dr 17:13 18:5 | example 8:1 | Farabow 2:4 | 16:18 | getting 19:16 |
| 23:20 | 9:4,18 10:3 | 34:14 | followed 7:5,6 | give 7:11 |
| dropped 22:5 | 12:24 15:7 | faulting 15:25 | following 23:6 | given 5:18 |
| 22:13 | 17:21 | federal 27:15 | 23:12 | 18:16 20:23 |
| due 27:7,11,12 | exhibit 4:7 8:3 | feel 29:9 | footnote 22:12 | go 12:14 28:12 |
| 27:24,25 | 8:5 10:16,17 | felt 19:25 | footnotes 22:5 | going 11:8 |
| Dunner 2:5 | 33:4 | FG 17:7 | foregoing 34:7 | 13:21 14:15 |
| 34:14 | exhibits 15:11 | figure 16:15 | form 16:10,11 | 17:2 22:17 |
| | exist 10:16 | figures 15:8 | forth 4:15 7:1 | 26:12,16 |
| E | 17:14 18:8 | file 4:6,13,25 | 10:10,11 | 28:2 |
| E 3:1,1 | existence | 6:20 12:19 | 11:23 | good 3:2,11,20 |

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

| | | | | |
|---|--|--|--|---|
| 4:3,5 7:9,19 8:23 12:5 13:18 14:4,5 17:5,5 18:13 30:8 33:5 Google 1:5 3:6 3:13 29:15 34:13 grant 6:3 7:9 granted 6:7 10:2,6 Graves 2:9 3:20,21 4:23 5:9,12 6:23 14:15,19,19 18:10,12,13 20:4,5,16 24:23 25:5 26:8,9 27:3,5 27:18 29:1,3 29:21 30:7 30:10 31:23 32:14,22,23 34:16 great 4:8 ground 21:19 Group 10:4 Guardant 7:13 guess 5:7 23:1 28:22 | 22:10,14 24:7 handy 28:4 happening 23:13 happens 32:12 happy 24:20 Health 7:13 hear 25:17 held 11:25 Henderson 1:24 2:4 34:14 Hi 4:3 hold 25:4 26:2 holiday 27:15 Honor 3:16,21 4:1,9 5:4,12 6:6,25 7:4 12:23 14:1 14:11,20 15:17 16:21 16:24 18:12 19:20 23:3 24:15 25:6,7 26:7,9,25 27:5,14,19 27:22 28:19 29:3,21 30:10 32:14 32:20,24 Honors 3:12 hope 29:17 | 19:25 include 16:13 16:14 included 15:10 including 10:8 22:19 incorporatio... 18:3 information 7:20 30:14 32:8,9 informed 21:25 31:8 instituted 9:5 institution 7:11,19 23:13 instructed 31:17 instructive 7:12 instructs 31:7 Intel 17:7 intend 28:17 intended 30:7 interest 9:12 34:20 International 10:5 intrinsic 11:15 11:16 introduced 7:25 introductions 3:9 invalid 11:20 invention 17:7 involved 16:9 involving 4:12 IPR 3:5 7:13 8:12,22 9:4 10:5 14:18 14:23,25 | 15:6,10,11 16:19 17:7 18:20,22 19:9,23,23 20:12,20,24 23:5,15 30:14,16 31:2,5,6,8,12 31:15,16,17 31:21 IPR2021-010... 1:10 issue 5:19,20 6:3,5 7:10,10 7:18,22 9:8 9:13 15:14 15:25 19:16 19:19 21:11 22:16,25 26:14,15,17 26:18 28:2 29:18 30:22 31:14,19 issues 4:13,15 6:8,16,22 7:3 7:7 9:13 15:2 17:22 26:13 26:21 28:8 item 5:11 | 27:2,6,16,20 27:23 28:24 29:11,23 31:22 32:15 32:22,25 Judges 1:15 3:3 justifies 21:10 |
| <hr/> H Hagens 2:10 3:21 34:16 half 22:11 hand 11:25 12:1,2 handful 25:9 handheld 4:18 9:14 10:22 11:22 12:7 13:4,9 21:20 21:22 22:4,7 | <hr/> I icon 11:4 icons 16:14,17 identify 16:19 image 11:4,11 11:12 images 16:14 impact 8:14 important | <hr/> J J 2:9 34:16 job 24:12,13 Judge 3:2,3,14 3:17,23 4:5 4:10 5:6,25 6:10 12:15 13:19 14:13 15:12 16:18 16:22,25 18:9 20:3,6 24:22 25:25 26:5,5,8,10 | <hr/> K KARA 1:15 keep 25:3 kept 5:21 Kevin 2:4 3:12 25:8 34:13 kevin.rodke... 2:7 kind 15:4,20 23:5 24:6 30:19 31:9 know 5:18,21 5:23 9:1 11:8 12:18 15:7 19:5,13,18 19:21 20:17 21:2,5,9,25 22:13,16 23:2,9,15 24:3,10,18 25:2 29:6 30:6,13,19 30:21,25 31:2,13,16 31:18,20 32:3,5,6,6,7 known 16:10 | |
| | | | <hr/> L L 1:15,15 lack 20:9 Lake 2:10 language 13:1 14:7 languages | |

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

| | | | | |
|---|---|--|---|--|
| 17:24 laptop 12:7 13:9 22:3,6,9 22:14 large 22:17 late 27:8 lead 6:24 leave 25:24 29:12 left 31:10 Legal 1:24 legally 17:18 18:2 length 5:22,23 let's 3:8 6:10 6:16 27:7 letting 32:3 light 18:20 limited 26:20 28:8 line 3:10,19,24 25:4 26:2 28:2 29:25 litigation 8:6 16:8 litigations 9:20 10:1 little 19:5 23:2 LLC 1:5,7 3:6 3:7,13,22 34:13,15 LLP 2:5 34:14 long 4:25 5:21 31:20 longer 31:19 look 13:16 14:2 19:24 24:16 looking 13:21 14:11 15:22 25:10,13,16 looks 4:23 lost 21:5 | <hr/> M Maddalozzo 24:4,6 making 22:21 mandamus 8:3 matter 5:13 16:12 18:3 20:18 23:17 matters 16:20 mean 5:13 12:17 14:3 15:14 16:6 meaning 21:3 21:7 Medicine 7:13 7:15 8:22 meet 29:18 meeting 30:20 mentioned 7:5 MICHELLE 1:15 mind 32:1 mobile 4:18 9:14 10:21 11:22 13:4,8 21:20,22 22:4,7,10,15 24:7 moment 24:15 25:4 26:3 30:11 months 14:24 18:23 motion 8:5 30:2,5,18 31:4 motivation 4:20 6:18 7:6 17:3 23:10 24:2 25:18 26:18 moved 30:17 | <hr/> N N 1:15 3:1 nature 5:18 necessarily 12:18 necessary 22:2 29:10 29:13 need 9:8 10:25 11:17 12:9 17:15 22:24 25:2 26:24 28:21 Neonode 1:7 3:6,22 34:15 Neonode's 4:14 never 24:7 new 9:18 10:15,17,21 11:17 15:14 15:15 16:7 19:6 23:1,4 23:24 North 2:10 note 21:24 22:7 34:9 notes 24:16 November 1:16 4:16 27:24,25 28:10,10 34:10,22 number 17:11 NW 2:5 <hr/> O O 3:1 object 5:10 obtain 5:22 18:19 obviously 15:5 19:24 31:20 | 32:5 offered 13:24 offering 21:12 offers 12:21 OFFICE 1:1 officer 34:5 Ogden 1:15 3:3 okay 4:10 5:6 6:10,14,15 15:12 16:25 17:2 18:9 27:2,6,17,20 27:23 28:24 29:11,23 32:25 once 4:8 6:22 ones 7:12 open 13:14 operated 12:1 operating 17:23 32:10 opportunity 15:1 21:6 oppose 4:24 5:19 6:4,8 opposed 30:17 option 28:20 order 7:4,22 8:17 9:6 28:2 28:3 30:20 outcome 31:4 overlooked 30:7 Owner 1:8 2:8 3:19,22 4:23 5:9 7:21,24 8:19 9:21 10:11 11:8 11:23 12:8 12:21 13:23 14:7,8,16 | 15:18 16:16 17:12 18:13 23:7,18 25:10,18 27:19 29:22 32:24 Owner's 4:16 4:17,19,20 6:4 8:9 9:9 9:17 11:3 12:18 13:11 13:12 20:13 25:15 28:23 29:25 30:15 Owners 32:9 <hr/> P P 3:1 p.m 33:7 34:11 34:11 page 7:3 10:13 10:23 11:24 21:24 22:2,7 pages 5:22 19:3 22:4,11 24:1,1 26:20 28:9 panel 26:3,4 26:11 Paper 7:14 10:5 17:8 papers 22:23 part 8:8 12:20 13:1 21:11 22:17 particular 6:5 7:24 8:2 11:9 14:17 particularized 21:13 particularly 11:15 18:16 parties 7:23 |
|---|---|--|---|--|

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

| | | | | |
|---|--|---|---|---|
| 25:4 28:22 29:17 30:1,4 31:3 32:17 34:18 parties' 4:11 5:2 22:19 24:25 30:19 party 8:6 16:8 Pasadena 2:11 patent 1:1,3,8 1:10 2:8 3:7 3:19,22 4:16 4:17,19,20 4:23 5:9 6:4 7:21,24 8:9 8:19 9:9,16 9:21 10:11 11:3,8,13,16 11:23 12:8 12:18,21 13:11,12,23 14:7,8,12,16 14:18 15:18 16:16 17:12 18:13 20:12 23:7,18 25:10,14,18 27:18 28:23 29:22,25 30:15 32:9 32:23 pending 8:5 30:19 31:3 perfectly 22:21 permitted 4:25 personal 18:1 34:20 petition 8:1,3 8:4,8,12,13 9:24 10:17 10:19 12:18 12:19,21 | 14:25 15:24 17:15,20,23 18:7,15,19 18:23 19:8 19:11 20:18 20:21 21:4,8 21:24,25 22:5,20 23:6 23:7,16,21 23:23 24:2 24:12,14 25:11,12,21 Petitioner 1:5 2:3 3:10,12 3:15 4:2 6:4 6:19 7:2 8:21 8:21 10:6 14:4,5,25 15:20 16:4 17:8 18:14 18:21 23:7 23:12,25 25:8 26:18 29:4,9,15,15 32:21 Petitioner's 4:12,24 5:5,7 22:19 23:4 23:21 26:13 Phil 3:21 18:13 PHILIP 2:9 philipg@hb... 2:12 Phillip 34:16 phone 27:9 phrase 4:18 phrases 4:18 place 8:13 plan 28:14 Plastic 4:16 6:17 7:5,8,21 8:25 9:21 20:9,11 | 26:14,21 28:7 Plastics 8:14 8:18 15:24 18:18 19:2,3 19:8,12 please 27:1 point 21:14 22:10 24:4 24:11 pointed 19:7 19:21 23:3 pointing 20:19 points 25:9 POPR 14:23 15:10 19:22 20:20 21:13 23:19 30:12 30:24 31:1 32:7 ported 14:22 19:23 portion 5:15 position 13:7 22:20 23:4 24:18 positions 22:19 24:25 potential 10:8 pre-institution 10:6 17:10 prejudice 30:19 preliminary 4:14 9:3,17 9:23 10:13 10:22 11:24 13:15 15:22 17:21 18:6 20:14 23:8 23:11 29:25 present 6:21 9:11 22:6 | 23:24 34:12 presentation 19:22 presented 14:11 presently 29:5 presumably 23:12 previous 13:18 primary 21:18 Principally 19:7 prior 8:22 9:25 14:24 16:16 17:6,9,16 18:23 20:20 30:24 probably 31:19 problem 12:3 16:6 procedure 31:9 proceeding 33:4 proceedings 34:6,8,9 process 18:20 23:5,16 Professional 34:4 proffer 21:18 29:5 proffered 21:21 29:9 propose 5:22 protective 30:20 provide 7:17 7:19 9:6 20:11 provided 4:2 | 21:3 provisionally 31:2 publicly 5:15 5:17 purposes 6:12 13:20 put 7:1 10:10 10:11 11:23 puts 16:3 20:8 putting 15:19 <hr/> Q <hr/> question 5:8 12:16 13:20 14:14 19:21 20:4 25:21 questions 12:13,16 24:20,23 quite 17:17 <hr/> R <hr/> R 1:23 3:1 34:3 34:24 raise 29:24 raised 4:14 7:21 9:21 14:16 16:2 25:14 26:13 ratify 23:4 reach 29:20 read 20:25 readdressing 30:21 readily 9:10 16:15 really 16:3 18:15 19:19 24:5 reason 21:1 22:14 26:17 reasonable 5:21 28:25 |
|---|--|---|---|---|

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

| | | | | |
|---|--|---|---|---|
| 32:4 reasons 24:9 recall 14:16 recollection 32:3 record 4:8 10:18 11:6 11:15,16 30:3,9 34:8 redacted 30:3 30:5 31:12 refer 11:4 reference 16:13,16 21:18,19 24:3,4,6 referring 15:9 refers 11:11 reflected 22:20 reflecting 22:13 refreshing 32:2 regard 7:8 11:22 13:4 25:23 regarding 10:10 25:18 30:20 Registered 34:4 related 4:24 16:20 20:19 34:18 relating 3:7 relationship 8:20,24 28:22 29:14 relies 11:5 rely 11:8 15:23 relying 14:9 24:6 | remember 33:3 REMOTE 2:1 repeatedly 22:3,3 replies 10:2 13:15 reply 4:13 5:10 6:7,13,14,20 7:3,10 10:7 12:22 17:10 23:8 26:12 26:16,19,23 27:7,11,23 28:6,8,9,15 29:17 Reported 1:23 reporter 3:24 4:2 28:1 34:1 34:4 reporter's 4:7 represent 29:7 representati... 4:19 9:15 10:12,12 11:2 12:25 14:21 15:3 19:20 21:4,8 21:14 represented 11:4 22:2 request 4:11 4:12,24 5:7 5:20 6:4,5 24:19 26:13 requesting 6:20 7:2 18:25 require 30:5 resolve 31:14 respect 8:25 9:14 11:2 14:20 15:2 | 19:17 20:2 21:7,17,20 22:25 respond 5:24 6:23 9:8 14:4 14:6 15:1 17:8 18:10 20:6 21:7 23:9,18,25 25:9,13 responded 25:20 responding 22:12 response 4:14 7:20 9:4,17 9:23 10:13 10:22 11:24 15:13,16,18 15:22 17:22 18:6 19:5,20 20:15 23:8 23:11 24:18 25:15 29:7 30:1,15 responsibility 21:15 responsive 4:22 reviewed 20:20 right 3:17 5:25 12:16 16:20 20:16,21 23:6 24:17 25:25 26:10 27:12 31:3 32:15 roadmap 20:15 Robertson 16:13 17:25 21:17 24:3 | Rockwall 34:5 Rodkey 2:4 3:11,12,16 3:18 4:1,6,9 5:4 6:2,6,19 6:25 12:23 14:1 15:9,13 15:17 16:21 16:24 17:4 18:10 25:1,7 25:8 26:1,7 26:23,25 27:14,21,22 28:17,19 29:13 32:19 32:20 33:3 34:13 Rodkey's 20:7 Rosenberg 17:14 Rosenberg's 18:5 23:20 round 3:9 23:6 RPR 1:23 34:3 34:24 ruling 28:11 Runway 10:4 10:25 12:11 | seal 30:2,4,5 30:17 31:4 sealed 31:2 secondary 4:21,24 5:10 5:14,18 6:2 6:11 26:15 26:21 28:7 32:8 see 16:14 25:1 29:4 30:2,2 32:12,17 seeing 28:14 seen 18:22 sense 15:15 31:1 Services 1:24 set 4:15 9:7 18:17 seven 26:20 28:9 Shapiro 2:10 3:22 34:16 short 31:20 side 19:15 22:22 Sievert 1:23 4:4 34:3,24 similar 10:3 simply 18:19 20:13 21:14 22:12 23:20 23:25 24:11 25:13 31:1 situation 9:2,6 25:15 30:25 six 24:1 Smartphone 1:7 3:7,22 34:15 Sobol 2:10 3:21 34:16 solely 14:11 |
| S | | | | |
| | | | S 3:1 Safe 10:4,25 12:11 Samsung 28:23 30:16 31:5 satisfied 21:17 satisfy 21:15 saying 15:15 28:12 says 12:7 25:10 scope 23:17 | |

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

| | | | | |
|---------------------------------|------------------------|-----------------------|------------------------|------------------------|
| sorry 12:2 19:4 31:18 | 28:21 32:13 | terms 9:15 | transcript 4:7 | v 1:6 7:13 10:4 |
| sort 20:8 32:10 | submitted 8:2 | testimony | 28:3,5 33:4 | 17:7 |
| sought 26:19 | 22:24 23:22 | 18:5 | 34:7 | Valve 18:18 |
| sound 27:12 | submitting | Texas 34:5,24 | transfer 8:5 | 19:9 |
| sounded 3:23 | 23:2 | thank 3:17 | trap 20:10,11 | vast 19:22 |
| sounds 28:25 | Suite 2:5,10 | 5:25 6:25 | TRIAL 1:3 | 23:19 |
| 32:4 | summarize | 15:12 18:9 | true 34:7 | venue 8:5 |
| spans 22:11 | 28:4 | 18:12 24:22 | truly 29:10 | version 30:3,6 |
| specific 15:4 | summarized | 25:5,7,25 | 30:13 | 31:12 |
| 19:21 | 5:2 | 29:22 31:23 | try 19:11 24:12 | Veteran's |
| specifically | summary | 32:2,14,24 | trying 15:19 | 27:15 |
| 4:11 18:2 | 28:11 | Thanks 33:5 | Tuesday 27:10 | view 18:17 |
| 26:14 | support 20:12 | theirs 23:25 | 27:11 | <hr/> |
| specification | 21:22 23:23 | thing 25:17 | turn 9:12 | W |
| 10:9,14,24 | supporting | 29:24 | two 22:11 | wait 32:11 |
| 11:12,16 | 18:6 30:15 | things 8:7,11 | 26:12,21 | walk 18:24 |
| 12:4,7 13:2,6 | supposedly | 16:9 25:18 | type 29:13 | want 6:22 7:16 |
| 13:8,22,24 | 23:1 | think 7:1 9:1 | types 8:24 | 18:4 24:10 |
| 14:2,9 21:23 | Sure 20:5 | 12:23 13:14 | 16:9 | 24:12 25:8 |
| 22:18 | surreply 5:1 | 13:15 17:2 | typically 11:25 | 29:5 |
| specified 24:7 | 6:5,8,15 | 19:13 24:17 | <hr/> | wanted 17:1 |
| spoke 31:25 | 23:12 26:12 | 24:25 28:13 | U | 29:24 |
| 32:3 | 26:16,20 | 28:24 29:3 | U.S 1:10 | wasn't 11:6 |
| spoken 30:23 | 27:4,12,24 | 29:25 31:24 | unclear 24:5 | 32:5 |
| spot 16:3 | 28:6,8,10,15 | three 6:16 | understand | way 13:2 16:5 |
| SRC 17:7 | systems 17:23 | 14:24 18:23 | 19:25 | 18:6 23:15 |
| stand 19:12 | Szpondowski | 18:25 | understandi... | we'll 25:3 26:2 |
| 28:3 | 1:15 3:4 | threshold 7:10 | 5:5 15:3 | 28:3 29:3 |
| stands 25:12 | <hr/> | 7:18 | 21:21 | 31:20 |
| started 3:8 | T | time 7:2 9:12 | Undoubtedly | we're 6:7 |
| State 34:5 | table 6:11 | 16:2 17:14 | 20:20 | 15:22 21:12 |
| states 1:1 | tactically 21:1 | 17:19 18:8 | unfair 16:4 | 23:1 25:10 |
| 13:24 | take 6:11,22 | 25:20 26:24 | unforeseen | 25:16 |
| STENOGRA... | 7:4 13:7 | 28:19 | 10:7 | we've 16:8 |
| 4:3 | 19:24 30:11 | today 3:10 | unit 4:19 9:14 | 19:19 |
| Stenotype | taken 21:6 | 15:10 28:2 | 10:22 11:23 | word 11:12 |
| 34:9 | 34:6,9 | 28:11,14 | 13:5 | words 11:14 |
| story 31:20 | talk 6:16 | tomorrow 27:8 | UNITED 1:1 | work 27:21 |
| strategically | technologic... | total 7:3 | unpatentable | 29:20 |
| 21:1 | 17:17 | touch 25:1 | 11:20 | works 23:16 |
| Street 2:5 | term 4:19 9:15 | 32:16 | uses 13:1 | 29:22 |
| submit 28:17 | 10:13 20:10 | TRADEMARK | usually 30:3 | wouldn't 12:20 |
| | 21:4,7,14,17 | 1:1 | <hr/> | wrong 17:18 |
| | | | V | |

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

| | | | | |
|----------------|-----------------------|-------------------|--|--|
| 17:18 18:2 | 10:5 | 3:7 | | |
| X | 2020-01449 | 8172 34:24 | | |
| X 17:25 | 17:7 | 8th 34:10 | | |
| Y | 2021 1:16 | | | |
| | 34:10,22 | 9 | | |
| Z | 2021-00144 | 9 7:14 | | |
| | 14:23 | 91101 2:11 | | |
| 0 | 2021-01041 | 920 2:10 | | |
| 06 19:4 | 3:6 | 9th 34:22 | | |
| 1 | 2021-145 | | | |
| 10 17:8 | 30:14 | | | |
| 105 19:4 | 21 10:23 11:24 | | | |
| 11 10:5 | 213-330-7150 | | | |
| 11th 27:15 | 2:11 | | | |
| 12 7:2 | 23rd 27:11 | | | |
| 125 19:4 | 24th 27:17,25 | | | |
| 13 22:4 24:1 | 28:10 | | | |
| 1400 2:5 | 271 2:5 | | | |
| 144 15:6,10,23 | 3 | | | |
| 16:19 18:22 | 3 21:24 22:8 | | | |
| 19:23 20:20 | 3:30 34:10 | | | |
| 20:24 | 301 2:10 | | | |
| 145 31:5,7,15 | 30363 2:6 | | | |
| 32:12 | 4 | | | |
| 16th 27:10 | 4 22:2 | | | |
| 17 21:24 22:4 | 4-30-2023 | | | |
| 22:7 | 34:25 | | | |
| 17th 2:5 27:17 | 4:14 33:7 | | | |
| 27:24 28:10 | 34:11 | | | |
| 19 24:1 | 404-653-6484 | | | |
| 1st 4:16 | 2:6 | | | |
| 2 | 5 | | | |
| 2001 10:16 | 53 10:13 | | | |
| 2003 8:3 | 6 | | | |
| 2005 8:2 | 7 | | | |
| 2006 10:18 | 8 | | | |
| 2016 8:5 | 8 1:16 | | | |
| 2019-00634 | 8,095,879 1:10 | | | |
| 7:14 | | | | |
| 2019-01490 | | | | |

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com