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IPR2016-00476 Paper No. 39

IPR2016-00547 Paper No. 32

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March 15, 2017

RECORD OF ORAL HEARING
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ELEKTA, INC.,

Petitioner,

v.

VARIAN MEDICAL SYSTEMS, INC.,

Patent Owner.

Case IPR2016-00317 (Patent No. 7,945,021 B2)

Case IPR2016-00476 (Patent No. 8,116,430 B1)

Case IPR2016-00547 (Patent No. 7,945,021 B2)

Technology Center 2800

Oral Hearing Held: Tuesday, February 28, 2017

Before: BRIAN J. McNAMARA; PATRICK M. BOUCHER
(via video link); and GARTH D. BAER, Administrative Patent Judges.

The above-entitled matter came on for hearing on Tuesday,
February 28, 2017, at 2:00 p.m., in Hearing Room B, taken at the U.S.
Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

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Case IPR2016-00317 (Patent No. 7,945,021 B2)
Case IPR2016-00476 (Patent No. 8,116,430 B1)
Case IPR2016-00547 (Patent No. 7,945,021 B2)

1 forward to hearing from you about these cases.

2 We set forth the procedure for today's hearing in
3 our oral argument order. But just to remind everybody how
4 this is going to work, each party will have 45 minutes of total
5 time to present their arguments.

6 Please keep in mind that whatever is projected on
7 the screens will not be viewable by Judge Boucher, but he has
8 a copy of the materials.

9 So when you refer to an exhibit on the screen,
10 please state for the record the exhibit and page number or, for
11 demonstratives, the slide number to which you are referring.
12 This is also important so that the transcript is clear.

13 Please also remember that if you step away from
14 the microphone, Judge Boucher might not be able to hear you,
15 so you should stay near the microphone, please.

16 I will give each counsel a warning when you are
17 reaching the end of your argument time. I believe also you
18 will see a yellow light when you have a minute to go.

19 Do counsel have any questions or concerns? For
20 Petitioner?

21 MR. PALMER: No, Your Honor.

22 JUDGE BAER: For the Patent Owner?

Case IPR2016-00317 (Patent No. 7,945,021 B2)
Case IPR2016-00476 (Patent No. 8,116,430 B1)
Case IPR2016-00547 (Patent No. 7,945,021 B2)

1 MR. KNAUSS: No, Your Honor.

2 MR. PALMER: Great. We would like to remind
3 each party that under no circumstances are you to interrupt the
4 other party while that party is presenting its arguments and
5 demonstratives. If you believe that a demonstrative or an oral
6 argument presented by the other party is objectionable for any
7 reason, that objection should be raised only during your
8 argument time. Okay?

9 So with that I think we are ready to begin.
10 Petitioner has the burden of proof and so will go first. Good
11 morning, or good afternoon, I should say, Mr. Palmer.

12 MR. PALMER: Thank you, Your Honors.

13 JUDGE BAER: And I should ask, do you want to
14 reserve some time?

15 MR. PALMER: Yes. I would like to reserve 20
16 minutes for rebuttal.

17 JUDGE BAER: Okay. With that we are ready to
18 begin.

19 MR. PALMER: May it please the Board. As
20 shown on slides 2 and 3 of the demonstratives, there are three
21 proceedings today. Two involve the '021 patent and the other
22 involves the '430 patent.

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