

NON-PUBLIC VERSION – PROTECTIVE ORDER MATERIAL

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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EDWARDS LIFESCIENCES CORPORATION,  
Petitioner,

v.

BOSTON SCIENTIFIC SCIMED, INC.,  
Patent Owner.

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Case IPR2017-00060  
Patent 8,992,608 B2

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Record of Oral Hearing  
Held: December 19, 2017

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Before NEIL T. POWELL, JAMES A. TARTAL, and ROBERT L.  
KINDER, *Administrative Patent Judges*.

**NON-PUBLIC VERSION – PROTECTIVE ORDER MATERIAL**

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Patent 8,992,608 B2

**APPEARANCES:**

**ON BEHALF OF PETITIONER:**

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The above-entitled matter came on for hearing on Tuesday, December 19, 2017, commencing at 1:04 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

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

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2 JUDGE TARTAL: Good afternoon and welcome. We are here for  
3 the final hearing in an Inter Partes Review, case captioned Edwards  
4 Lifesciences Corporation, Petitioner, versus Boston Scientific Scimed,  
5 Incorporated, Patent Owner, Case IPR2017-00060, concerning U.S. Patent  
6 Number 8,992,608 B2.

7 First, let me begin by introducing the panel. I'm joined by Judge  
8 Powell and Judge Kinder and I'm Judge Tartal. May we please have  
9 appearances from the parties? Who do we have today for Petitioner?

10 MR. CORDREY: Greg Cordrey. I'm lead counsel for the  
11 Petitioner, Edwards Lifesciences.

12 MR. EGAN: Good afternoon. Brian Egan on behalf of Petitioner  
13 as well.

14 JUDGE TARTAL: And for Patent Owner who do we have today?

15 MR. WOLF: Good afternoon. Matt Wolf and with me is Marc  
16 Cohn.

17 JUDGE TARTAL: And, Mr. Wolf, are you the current designated  
18 lead counsel?

19 MS. SKLENAR: Your Honor, I am, Jennifer Sklenar.

20 JUDGE TARTAL: Okay. And who will be doing the argument  
21 today?

22 MS. SKLENAR: Mr. Cohn and Mr. Wolf are going to split it.

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1 JUDGE TARTAL: Okay. Thank you.

2 We set forth the procedure for today's hearing in our Trial Order.  
3 Each party will have 40 minutes total time to present arguments in the case.  
4 As an initial matter, both parties have filed objections to certain  
5 demonstrative slides. First, we remind the parties that demonstrative slides  
6 are not evidence and will not be relied on for purposes of a final written  
7 decision.

8 Have the objections to the demonstratives been resolved? And I'll  
9 start with Petitioner, the objections that you filed with regards to Patent  
10 Owner's demonstratives, are they still at issue or --

11 MR. CORDREY: We were able to resolve some of them, but the  
12 objections that we filed with the Board are unresolved.

13 JUDGE TARTAL: Okay. And then for Patent Owner, were the  
14 objections that you filed with Petitioner's demonstratives resolved?

15 MR. WOLF: The same, Your Honor.

16 JUDGE TARTAL: Okay. So the ones that you filed in your  
17 objections are the ones that are still pending?

18 MR. WOLF: Yes, Your Honor.

19 JUDGE TARTAL: So then just to clarify, the sets of  
20 demonstratives that were submitted in advance to the Board are the sets that  
21 you are using today for Petitioner?

22 MR. CORDREY: Yes, they are and we do have an objection here.  
23 We understand that the Patent Owner now has submitted with its filing this

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1 morning or I guess about an hour ago its demonstrative exhibits pursuant to  
2 the Board's order. In doing so, they apparently re-ordered the exhibit  
3 numbers, so that's going to throw things off, but we've been working off the  
4 order of the exhibits and the numbering implied in that order when they were  
5 served on the Board. So that's the copy that we've been working on last  
6 week. So, for example, our objections referred to the slides that were served  
7 on the Board, those numbers.

8 In addition, obviously our presentation today we had incorporated  
9 certain of their slides and, of course, the numbers that we used refer to the  
10 version that was served on the Board last week.

11 JUDGE TARTAL: Okay. And so for Patent Owner, were the  
12 demonstratives that were filed today, how are they different from what was  
13 provided to the Board?

14 MR. WOLF: Only in order, Your Honor. We triaged them, so we  
15 -- so it became less important as we worked through the arguments. So  
16 that's all we did is move things around. There's no difference in the slides.  
17 We removed the titles from slides actually that would address a couple  
18 objections. So the only difference between what you got a week ago and  
19 what you got this morning is this morning there were no titles on the slides.  
20 There's actually no substantive difference at all.

21 JUDGE TARTAL: Did you have anything else, Petitioner?

22 MR. CORDREY: No, I was just going to point out that they did  
23 remove the titles and so --

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