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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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INSTRUMENTATION LABORATORY COMPANY,  
Petitioner,

v.

HEMOSONICS LLC,  
Patent Owner.

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Case IPR2017-00852 (Patent 9,272,280 B2)  
Case IPR2017-00855 (Patent 9,410,971 B2)

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Record of Oral Hearing  
Held: June 12, 2018

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Before JO-ANNE M. KOKOSKI, KRISTINA M. KALAN, and  
JEFFREY W. ABRAHAM, *Administrative Patent Judges*.

1Case IPR2017-00852 (Patent 9,272,280 B2)

2Case IPR2017-00855 (Patent 9,410,971 B2)

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APPEARANCES:

ON BEHALF OF THE PETITIONER:

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and

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ON BEHALF OF PATENT OWNER:

BRIAN W. NOLAN, ESQ.  
YING-ZI YANG, ESQ.  
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The above-entitled matter came on for hearing on Tuesday, June 12, 2018, commencing at 1:00 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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JUDGE ABRAHAM: Good afternoon. This is the consolidated oral hearing for IPR2017-00852 and 2017-00855.

5The 852 IPR relates to U.S. Patent Number 9,272,280 and the 855

6IPR relates to U.S. Patent Number 9,410,971.

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I am Judge Abraham, joined with me in the hearing room by Judge Kokoski, and Judge Kalan is with us in the Denver office. As you can see, she is joining us remotely, so you do have microphones in front of you, but I think it's best when you're speaking to make sure you're speaking into the microphone at the lectern, that way she will definitely be able to hear you.

13Also, she cannot see the screen that's in the room, but she does have your slides, so during your arguments, please refer to the slides by slide number to ensure that she can follow along.

16 Okay, with that, I'm going to invite counsel for Petitioner to the lectern to introduce yourselves.

18 MR. CHOW: Yes, for the Petitioner, lead counsel Stephen Chow of the Hsuanyeh Law Group of Boston, Massachusetts, and with me are Gabriel Goldman and Ronda Moore of the firm Burns & Levinson of Boston. We reserve 15 minutes for rebuttal.

23 JUDGE ABRAHAM: Okay. Thank you. I'm going to ask for appearances now from Patent Owner.

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1 MR. NOLAN: Good afternoon, Your Honors, Brian  
2Nolan of Mayer Brown for Patent Owner. With me is Ying-Zi  
3Yang also from Mayer Brown for Patent Owner. We have extra  
4copies of our slides, would you or your colleagues need those  
5versions, or are you all set for the hearing?

6 JUDGE ABRAHAM: We're okay. Have you provided  
7one to our court reporter?

8 MR. NOLAN: We have, Your Honor.

9 JUDGE ABRAHAM: Okay. Welcome, everyone. Just  
10a little bit of procedural matters. Petitioner, you will go first. You  
11will have 30 minutes, I understand you want to reserve 15  
12minutes. So we will start with that. Patent Owner, you will  
13follow and you have 30 minutes for your arguments. And then,  
14Petitioner, you have whatever rebuttal time you have left.

15 We did receive the objections to the Patent Owner's  
16slides. At the moment we're going to overrule those objections.  
17Those demonstratives are just that, they are not evidence, they are  
18just demonstratives. That said, if at any time during the  
19arguments today you feel one side or the other has raised new  
20arguments, you are free to bring that up at the lectern. I am not  
21inviting interruptions during the other party's arguments, but if  
22you feel a party has crossed the line and made new arguments,  
23you are permitted to bring that to our attention when it is your  
24time at the lectern, okay?

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1 With that, I will invite Petitioner to the podium and you  
2may begin.

3 MR. CHOW: May it please the Board. The Board  
4instituted review of grounds 1 of the 852 and 855 petitions to  
5invalidate both claims of the '280 patent and claims 1, 2, 6, 7, 15  
6and 16 of the '971 patent. For this presentation, I will refer to the  
7common disclosure of the patents as Viola.

8 Petitioner demonstrated in its petition claim charts that  
9the Baugh patent discloses the limitations of the claims  
10challenged on ground 1 of the 852 and 855 petitions. These  
11claims are overbroad and not limited to assessing any specific  
12aspect of the hemostasis process. Patent Owner now seeks to  
13rewrite radically and impermissibly the meaning of those claim  
14limitations in an attempt to avoid Baugh.

15 In its preliminary responses, Patent Owner offered  
16constructions for the following claim limitations. Referring to  
17slide 2, one of these was "configured to be interrogated to  
18determine a hemostatic parameter," which is required for each  
19chamber of a multi-chamber device, and is claimed in both the  
20'280 and '971 patents. And then looking at slide 5, "an  
21interrogation device that measures at least one viscoelastic  
22property of the test sample," which is claimed only in the '971  
23patent.

24 For this presentation, I will refer to the first limitation as  
25the hemostatic parameter limitation and the second limitation as

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