

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EDWARDS LIFESCIENCES CORPORATION,
Petitioner,

v.

BOSTON SCIENTIFIC SCIMED, INC.
Patent Owner.

Case IPR2017-01281
Patent 7,828,767 B2

Record of Oral Hearing
Held: August 7, 2018

Before NEIL T. POWELL, JAMES A. TARTAL, and
STACY B. MARGOLIES, *Administrative Patent Judges*.

Case IPR2017-01281
Patent 7,828,767 B2

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The above-entitled matter came on for hearing on Tuesday, August 7, 2018, commencing at 1 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

1 PROCEEDINGS

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3 JUDGE TARTAL: Good afternoon. Please be seated. We are here
4 for a final hearing in an inter parte review case captioned Edwards
5 Lifesciences Corporation, petitioner, versus Boston Scientific Scimed
6 Incorporated, patent owner. Case IPR 201701281 concerning U.S. patent
7 number 7828767 B2.

8 First let me begin by introducing the panel. I am joined by Judge
9 Powell and Judge Margolies and I am Judge Tartal. May we please have
10 appearances from the parties? Who do we have today on behalf of
11 petitioner?

12 MR. ISBESTER: James Isbester, Your Honor, of Kilpatrick
13 Townsend. With me at the counsel table is my colleague Byron Chin. We
14 are joined by co-counsel Craig Summers and also here today are Ryan
15 Lindsey and Avi Schwartz of the Edwards in-house (inaudible) department.

16 JUDGE TARTAL: Welcome, counsel. And who do we have today
17 for our patent owner?

18 MR. WU: Wallace Wu for patent owner. With me is my co-counsel,
19 Nick Nyemah.

20 JUDGE TARTAL: Welcome, counsel. We set forth the procedures
21 for today's hearing in our trial order and as a reminder, each party with have
22 30 minutes of total time to present arguments in their case. Petitioner has
23 the burden of proof and will go first. Patent owner will then present
24 opposition arguments for the case as explained in our trial order and then, to
25 the extent petitioner has reserved time, petitioner will present arguments in
26 reply for the case. For patent owner are there any questions at this time?

1 MR. ISBESTER: No, Your Honor.

2 JUDGE TARTAL: And for petitioner, are there any questions in that
3 regard?

4 MR. WU: No questions.

5 JUDGE TARTAL: For clarity in the transcript when you refer to an
6 exhibit on the screen, please state for the record the exhibit and page number
7 or for demonstratives the slide number to which you are referring. We also
8 remind the parties that under no circumstances are they to interrupt the other
9 party while that party is presenting its arguments and demonstratives.

10 Petitioner would you like to reserve a certain amount of time for rebuttal?

11 MR. ISBESTER: Eight minutes, Your Honor.

12 JUDGE TARTAL: Okay. That will provide you with 22 minutes as a
13 starting point and we can adjust accordingly if necessary. You may proceed,
14 Counsel, when you are ready.

15 Can I ask just quickly, there were no demonstratives from patent
16 owner ahead of time, is that correct?

17 MR. WU: Correct.

18 JUDGE TARTAL: Okay. Just wanted to make sure we didn't
19 overlook something in the correspondence. Okay, thank you. Counsel, you
20 can begin.

21 MR. ISBESTER: Good afternoon, Your Honor. I would like to begin
22 with a brief overview of the technology from which the 76 patent arises.
23 This is an area that is referred to as balloon catheters and if I can display
24 Slide 3. The Hijlkema reference, Exhibit 1009 in our papers is an example
25 of a fairly conventional balloon catheter.

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