

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SANDBOX MEDICAL, LLC,
Petitioner,

v.

NEOTECH PRODUCTS, LLC,
Patent Owner.

Case IPR2019-00246
Patent 6,958,050 B1

Record of Oral Hearing
Held: February 6, 2020

Before BENJAMIN D.M. WOOD, RICHARD H. MARSCHALL, and
JASON W. MELVIN *Administrative Patent Judges.*

Case IPR2019-00246
Patent 6,958,050 B1

APPEARANCES:

ON BEHALF OF THE PETITIONER:

VINCENT MCGEARY, ESQUIRE
McGeary Cukor
7 Dumont Place
Morristown, NJ 07960

ON BEHALF OF THE PATENT OWNER:

MICHAEL A. DINARDO, ESQUIRE
Kelly & Kelley, LLP
6320 Canoga Avenue, Suite 1650
Woodland Hills, CA 91367

The above-entitled matter came on for hearing on Thursday, February 6, 2020, commencing at 1:01 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

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

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3 THE CLERK: All rise.

4 JUDGE WOOD: Please be seated. Good afternoon.

5 We are here for oral argument in IPR 2019-00246. My name is
6 Judge Wood. With me on my right is Judge Marschall, and on
7 my left Judge Melvin. Will counsel for Petitioner please
8 introduce themselves?

9 MR. MCGEARY: My name is Vince McGeary from
10 the law firm McGeary Cukor for the Petitioner, and with me is
11 my colleague Michael Cukor.

12 JUDGE WOOD: Thank you, Mr. McGeary. And for
13 Patent Owner?

14 MR. DINARDO: Good afternoon, Your Honors.
15 Michael DiNardo of Kelly & Kelley on behalf of the Patent
16 Owner Neotech Products, LLC.

17 JUDGE WOOD: Okay. Thank you, Mr. DiNardo. Per
18 the hearing order, each side has 30 minutes of total argument
19 time. Petitioner will proceed first with its case and may reserve
20 rebuttal time. Then Patent Owner will proceed with its case and
21 may reserve sur-rebuttal time. Petitioner, Mr. McGeary, does
22 Petitioner have demonstrative exhibits for today?

1 MR. MCGEARY: We do, Your Honor. We have some
2 demonstratives. We're not using all of them, we don't think.
3 But we have handed them over to the court reporter and
4 previously submitted them by email.

5 JUDGE WOOD: Did you submit them to the trial's
6 email address?

7 MR. MCGEARY: ptabhearings@uspto.gov.

8 JUDGE WOOD: Hm. Okay. I'm not sure we received
9 them. Any, Patent Owner's counsel, do you have objections to
10 Petitioner's demonstrative exhibits?

11 MR. DINARDO: No, Your Honor.

12 JUDGE WOOD: Do you have hard copies of the
13 demonstratives?

14 MR. MCGEARY: We only brought two hard copies,
15 one of which we handed over. This is the one I was going to use,
16 but I can hand them up for someone's use.

17 JUDGE WOOD: I don't need a hard copy of it.

18 MR. MCGEARY: They'll all be on the screen. And
19 then we can resubmit them again right after the hearing, if that
20 would be helpful.

21 JUDGE WOOD: That would be helpful, thank you.

22 MR. MCGEARY: Yeah. We'll do that right away.

1 MR. DINARDO: And I did receive a copy of the email
2 that Petitioner sent and it appeared to me. So I don't know why
3 Patent Office wouldn't have received them.

4 JUDGE WOOD: Okay. Thanks. All right. So any
5 questions before we proceed?

6 MR. MCGEARY: None from Petitioner.

7 MR. DINARDO: None from Patent Owner.

8 JUDGE WOOD: All right. Mr. McGeary, you can
9 start when you are ready. Do you wish to reserve rebuttal time?

10 MR. MCGEARY: Yes, if I could reserve ten minutes
11 of rebuttal time?

12 JUDGE WOOD: That's fine.

13 MR. MCGEARY: If it may please the Board, my
14 intention is to proceed by spending a minute or two on an
15 introduction, and then to discuss the 050 Patent, the salient
16 embodiment, and then address the basis of the invalidity in the
17 institution decision and in the petition, and then move to a claim
18 construction issue that we feel is the principal issue that was
19 raised in the Patent Owner response.

20 With that, I'd like to introduce Reed McCarty. Mr.
21 McCarty is a founding partner of Sandbox Medical, the
22 Petitioner in this action. It is a company that creates medical
23 supplies, mostly for babies. At the time of the petition, it had

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