

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CARDIOVASCULAR SYSTEMS, INC.,
Petitioner

v.

SHOCKWAVE MEDICAL, INC.,
Patent Owner.

Case IPR2019-00409
Patent 8,728,091B2

Record of Oral Hearing
Held: April 16, 2020

Before MITCHELL G. WEATHERLY,
RICHARD H. MARSCHALL, and
AVELYN M. ROSS, *Administrative Patent Judges*.

Case IPR2019-00409
Patent 8,728,091 B2

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The above-entitled matter came on for hearing on Thursday, April 16, 2020, commencing at 1:15 p.m. via video teleconference.

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

1:16 p.m.

JUDGE ROSS: Okay. Well, let's go on the record. So we are here for the final hearing in IPR 2019-00409 concerning U.S. Patent Number 8728091.

This hearing is being conducted by video conference. I am Judge Ross. Joining me today are Judge Weatherly and Judge Marschall.

We have spent a lot of time together over the last two days and I feel like I know you guys pretty well. But for the sake of the record, I'd like for you to introduce yourself and those joining your party by phone.

Mr. Nelson, let's start with you.

MR. NELSON: Thank you, your Honor. Mark Nelson on behalf of Petitioner. With me on the phone are David Whitescarver, Alex Rosenstein, Juanita DeLoach, Jeff Stone, and Nell Butler, I believe. Is there anybody else on on the Petitioner's side? Should be it.

JUDGE ROSS: Okay. Thankyou. Mr. Alciati? We can't hear you.

JUDGE WEATHERLY: Maybe my problems have infected Mr. Alciati's computer.

MR. ALCIATI: No. No. I just apparently can't figure out that when the phone says mute you're not going to hear me. So let me try again.

So good afternoon, your Honors.

1 Cook Alciati on behalf of the Patent Owner, Shockwave. I am
2 joined on the phone by Greg Gardella, who is lead counsel for Shockwave
3 Medical in this proceeding. Also on the phone is backup counsel, Michael
4 Stallman.

5 As well on the phone is Mike Fleming of Irell & Manella, counsel
6 for Shockwave Medical. From the Shockwave side we have Doug
7 Godshall, who is the CEO of Shockwave Medical, Hajime Tada, who's the
8 general counsel for Shockwave Medical, Pat Stephens -- Patrick Stephens --
9 who is the vice president of research and development at Shockwave
10 Medical, and John Adams, who is a consultant to Shockwave Medical.

11 JUDGE ROSS: Thank you. Okay, we are just going to recap a little
12 of what we talked about before. Because we are all joining remotely, we
13 need to make sure that you speak clearly, obviously, and allow for a little
14 delay. I am horrible about talking over people and so I ask your forgiveness
15 in advance.

16 We all have electronic versions of your slide presentations, so as you
17 go through them please make sure to reference the slide number. That'll
18 help us follow along and it will also ensure that the record is clear.

19 As we mentioned in our oral hearing order, each side is going to
20 have 60 minutes today to present their argument. Because the Petitioner
21 bears the burden of persuasion, the Petitioner will go first.

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