

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SOTERA WIRELESS, INC.,
Petitioner,

v.

MASIMO CORPORATION,
Patent Owner.

IPR2020-01078
Patent RE47,218E

Record of Oral Hearing
Held Virtually: Friday, September 24, 2021

Before GEORGE R. HOSKINS, JENNIFER MEYER CHAGNON, and
AMANDA F. WIEKER, *Administrative Patent Judges*.

IPR2020-01078
Patent RE47,218E

APPEARANCES:

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The above-entitled matter came on for hearing on Friday, September 24, 2021, commencing at 1:58 p.m. EST, by video/by telephone.

1 (Proceedings begin at 1:58 p.m.)

2 JUDGE HOSKINS: Good morning, or good afternoon,
3 depending on where you are in the country.

4 This is a hearing for oral argument in Inter Partes
5 Review No. 2020-01078.

6 The case is captioned Sotera Wireless, Inc. v.
7 Masimo Corporation, and the challenged patent is Reissue
8 Patent No. 47,218.

9 The PTAB panel here today is myself, my name is
10 George Hoskins, and then my colleagues, Jennifer Chagnon and
11 Amanda Wicker, are also here today.

12 So with that introduction, let me ask counsel for
13 the respective parties to make their appearances and
14 whatever other introductions of people listening in today that
15 might be deemed helpful.

16 So let's start with counsel for petitioner, please.

17 MS. HOEKEL: Thank you, Your Honor.

18 This is Jennifer Hoekel on behalf of petitioner of
19 the firm Husch Blackwell.

20 With me is Nathan Sportel, who is also entered in
21 the case, and I will be doing the presenting for petitioner.

22 JUDGE HOSKINS: Thank you, Ms. Hoekel, and welcome
23 to the Board.

24 And so for patent owner, please.

25 MR. KATZENELLENBOGEN: Good afternoon.

1 This is Benjamin Katzenellenbogen of Knobbe Martens
2 for patent owner, Masimo. I will be presenting the argument
3 today.

4 With me are additional attorneys at my firm, Jared
5 Bunker, Baraa Kahf, and Daniel Kiang.

6 There may be additional attorneys listening in on
7 the public line who obviously will not be participating.

8 JUDGE HOSKINS: Thank you, Mr. Katzenellenbogen, and
9 welcome as well.

10 MR. KATZENELLENBOGEN: Thank you very much.

11 JUDGE HOSKINS: Let me return to Ms. Hoekel for a
12 moment.

13 Ms. Hoekel, you're not on my list of the lawyers
14 that are identified in this case. Maybe I have that wrong.

15 Are you entered -- have you entered an appearance
16 for this proceeding?

17 MS. HOEKEL: (Indiscernible)

18 JUDGE HOSKINS: Okay.

19 MS. HOEKEL: I have, Your Honor.

20 JUDGE HOSKINS: Okay, thank you.

21 So the order of argument is as set forth in the
22 papers. Petitioner will present its case in chief, patent
23 owner then has a chance to make a rebuttal, petitioner has a
24 chance for a reply, and patent owner then has a chance for a
25 surreply.

26 Each party has been given 30 minutes, so let me

1 first ask Ms. Hoekel, do you wish to reserve any time in
2 advance for your rebuttal?

3 MS. HOEKEL: I'll reserve 10 minutes, Your Honor.

4 JUDGE HOSKINS: Thank you.

5 And Mr. Katzenellenbogen?

6 MR. KATZENELLENBOGEN: My plan is to do the same --

7 JUDGE HOSKINS: Okay.

8 MR. KATZENELLENBOGEN: -- Your Honor, to reserve 10
9 minutes.

10 JUDGE HOSKINS: Okay. Thank you very much.

11 So before I then turn it over to Ms. Hoekel to make
12 her presentation, are there any questions about how we're
13 proceeding today from a procedural standpoint?

14 MS. HOEKEL: Not from petitioner, Your Honor.

15 MR. KATZENELLENBOGEN: One minor one, which is, my
16 understanding is that the Board has hard copies of our
17 demonstratives and would prefer that we refer to the
18 demonstratives rather than putting them up as a share screen
19 on the video; is that correct?

20 JUDGE HOSKINS: That is correct, yes.

21 We do have them in front of us. If you feel it
22 helpful to put it up on a screen, if you have a pointer
23 device, you know, you might want to point to something
24 specific, feel free, but typically, we just refer to the
25 demonstratives that we have on the screens in front of us,
26 and you can refer to them by slide number for the record.

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