UNITED STATES PATENT AND TRADEMARK OFFICE ————— BEFORE THE PATENT TRIAL AND APPEAL BOARD —————

LUMENIS LTD.,
Petitioner,

v.

BTL HEALTHCARE TECHNOLOGIES A.S.,

Patent Owner

Case IPR2021-01275

U.S. Patent No. 10,632,321

DECLARATION OF DR. MAROM BIKSON



TABLE OF CONTENTS

I.	INTRODUCTION					
	A.	Engagement				
	B.	Background and Qualifications				
	C.	Basis of My Opinion and Materials Considered				
	D.	Lega	Legal Standards for Patentability			
		1.	Obviousness	7		
		2.	Claim Construction	13		
II.		CRIPTION OF THE RELEVANT FIELD AND THE EVANT TIMEFRAME14				
III.		E PERSON OF ORDINARY SKILL IN THE RELEVANT FIELD THE RELEVANT TIMEFRAME15				
IV.	TEC	TECHNICAL BACKGROUND AND STATE OF THE ART				
	A.	Deve	elopments In Magnetic Muscle-Stimulation Technology	17		
		1.	Problems Discussed In The '321 Patent	17		
		2.	Stimulation Occurs By Inducing Current in Biological Tissue	18		
		3.	Stimulation Parameters	20		
		4.	Components Of A Magnetic Stimulation Device	24		
	B.	Mag	netic Stimulation for Rehabilitation, Healing, and Toning	26		
	C.	There Is No Technological Difference In Magnetic Stimulation For Rehabilitation, Healing, or Toning				
	D.	Conv	ventional Features of Magnetic Stimulators and Treatment	34		
		1.	Two Independently Positionable Applicators	34		
		2.	Belt To Attach Applicators to the Body	37		
		3.	Capacitors as Energy Storage Devices for Coils	39		
		4.	Cooling Magnetic Field Generating Coils	40		
		5.	Generating Consecutive Impulses	44		
		6.	Varying the Repetition Rate of a Time-Varying Magnetic Field	45		



		7.	Trapezoidal Envelope	47
		8.	Symmetrical Stimulation	48
V.	THE	'321 P	PATENT	49
	A.	Paten	nt Overview	49
	B.	Prose	ecution History	53
VI.	CLA	IM IN	TERPRETATION	54
VII.			1: THE CHALLENGED CLAIMS ARE RENDERED BY SIMON	5.1
	ОБ v А.		view of Simon	
	А.В.		pendent Claims 1 and 8	
	Б.	1.	Claim 1	
		2.	Claim 8	
	C.		ndent Claims 2-7 and 9-14	
		1.	Claim 2: The method of claim 1, further comprising: independently positioning the first applicator on the body region with respect to the second applicator	
		2.	Claim 3: The method of claim 2, further comprising: coupling the first and second applicators to the patient such that the first applicator is coupled to a first area of the body region and the second applicator is coupled to a second area of the body region, wherein the first body region area is different from the second area	100
		3.	Claim 4: The method of claim 2, further comprising:	101
		4.	Claim 5: The method of claim 1, further comprising: directing the oil into the first applicator and into the second applicator	102
		5.	Claim 6: The method of claim 1, wherein the first magnetic field generating coil has a first inductance, wherein the second magnetic field generating coil has a second inductance, wherein the first inductance and the second inductance are equal, and wherein the first time-varying magnetic field and the second time-varying	



			a range of 3 µs to 3 ms	103
		6.	Claim 7: The method of claim 6, wherein the first muscle and the second muscle are cooperating muscles	105
		7.	Claim 9: The method of claim 8,	106
		8.	Claim 10: The method of claim 8, further comprising:	107
		9.	Claim 11: The method of claim 10	110
		10.	Claim 12: The method of claim 8, further comprising: directing a fluid cooling media into the first applicator and into the second applicator such that the first magnetic field generating coil and the second magnetic field generating coil are cooled by the fluid cooling media	112
		11.	Claim 13: The method of claim 12, wherein the first magnetic field generating coil and the second magnetic field generating coil have the same inductance	113
		12.	Claim 14: The method of claim 13, further comprising: initiating a treatment protocol using a touchscreen graphical user interface, wherein the treatment protocol comprises a set of predetermined treatment sequences having predetermined repetition rates configured to be	
			applied for a predetermined time period	
	D.	Clain	n Charts	115
VIII.			2: THE CHALLENGED CLAIMS ARE RENDERED BY BURNETT-'870 IN VIEW OF MAGSTIM	115
	A.		view of Burnett-'870	
	B.		view of Magstim	
	C.		vation to Modify Burnett-'870 in view of Magstim	
	D.		endent Claims 1 and 8	
		1.	Claim 1	
		2.	Claim 8	157
	E.	Depe	ndent Claims 2-7 and 9-14	176
		1.	Claim 2: The method of claim 1, further comprising: independently positioning the first applicator on the body region with respect to the second applicator	



2.	Claim 3: The method of claim 2, further comprising: coupling the first and second applicators to the patient such that the first applicator is coupled to a first area of the body region and the second applicator is coupled to a second area of the body region, wherein the first body region area is different from the second area
3.	Claim 4: The method of claim 2, further comprising:177
4.	Claim 5: The method of claim 1, further comprising: directing the oil into the first applicator and into the second applicator
5.	Claim 6: The method of claim 1, wherein the first magnetic field generating coil has a first inductance, wherein the second magnetic field generating coil has a second inductance, wherein the first inductance and the second inductance are equal, and wherein the first time-varying magnetic field and the second time-varying magnetic field are generated with an impulse duration in a range of 3 µs to 3 ms.
6.	Claim 7: The method of claim 6, wherein the first muscle and the second muscle are cooperating muscles
7.	Claim 9: The method of claim 8,
8.	Claim 10: The method of claim 8, further comprising:182
9.	Claim 11: The method of claim 10
10.	Claim 12: The method of claim 8, further comprising: directing a fluid cooling media into the first applicator and into the second applicator such that the first magnetic field generating coil and the second magnetic field generating coil are cooled by the fluid cooling media
11.	Claim 13: The method of claim 12, wherein the first magnetic field generating coil and the second magnetic field generating coil have the same inductance
12.	Claim 14: The method of claim 13, further comprising: initiating a treatment protocol using a touchscreen graphical user interface, wherein the treatment protocol comprises a set of predetermined treatment sequences having predetermined repetition rates configured to be applied for a predetermined time period



DOCKET

Explore Litigation Insights



Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time** alerts and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.

