

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SPECTRUM SOLUTIONS, LLC,
Petitioner

v.

DNA GENOTEK, INC.,
Patent Owner

IPR2022-01347
Patent 11,002,646 B2

Record of Oral Hearing
Held: November 14, 2023

Before DONNA M. PRAISS, CHRISTOPHER M. KAISER, and JAMIE T.
WISZ, *Administrative Patent Judges*.

IPR2022-01347
Patent 11,002,646 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

ALI S. RAZAI, ESQUIRE
BENJAMIN B. ANGER, ESQUIRE
JOSEPH F. JENNINGS, ESQUIRE
Knobbe, Martens, Olson & Bear, LLP
2040 Main Street, 14th Floor
Irvine, CA 92614

ON BEHALF OF THE PATENT OWNER:

MEHRAN ARJOMAND, ESQUIRE
Morrison & Foerster, LLP
Aon Center
707 Wilshire Boulevard, Suite 1000
Los Angeles, Ca 90017

BRIAN M. KRAMER, ESQUIRE
DREW ALAN HILLIER, ESQUIRE
Morrison & Foerster, LLP
12531 High Bluff Drive, Suite 100
San Diego, CA 92130

The above-entitled matter came on for hearing on November 14,
2023, commencing at 1:00 p.m., at 600 Dulany Street, Alexandria, Virginia.

P R O C E E D I N G S

- - - - -

JUDGE WISZ: Good afternoon. Today, we will hear arguments in IPR2022-01347 involving U.S. Patent Number 11,002,646. I'm Judge Wisz, and with me on the panel by videoconference are Judges Praiss and Kaiser.

So let's start with appearances beginning with Petitioner.

MR. RAZAI: Good afternoon, Your Honor. This is Ali Razai from Knobbe Martens on behalf of the Petitioner Spectrum Solutions. With me is Ben Anger and Mr. Jennings.

JUDGE WISZ: Thank you. And Patent Owner?

MR. ARJOMAND: Good afternoon, Your Honors. My name is Mehran Arjomand for Patent Owner DNA Genotek from Morrison & Foerster. With me is Drew Hillier also of Morrison & Foerster and Brian Kramer of Morrison & Foerster.

JUDGE WISZ: First, we want to note that we have at our disposal the full record, including your demonstrative exhibits. But for clarity of the record and so we can follow the argument, we ask you to identify what page of your demonstratives or exhibits you are talking about as you argue. Also, if you could state your name before speaking, this will help the court reporter and those attending the hearing from remote locations.

We also want to note that Patent Owner has filed objections to several of Petitioner's demonstrative exhibits. We reviewed the demonstratives and the objections and have taken the objections into

1 consideration. We note that the demonstratives are here just to guide the
2 arguments and are not coming in as evidence. We also will not consider any
3 new arguments. If counsel would like to use some of their allotted time to
4 address what they consider to be new arguments in the demonstratives,
5 you're free to do so.

6 Patent Owner has also filed a motion to exclude Petitioner's
7 Exhibit Number 1020, and that motion has been fully briefed at this point.
8 We're not going to rule on that motion at this time, but we'll take it under
9 advisement. And, again, it's your choice if you want to use your allotted
10 time at this hearing to address the motion to exclude.

11 And now consistent with the hearing order, each party has 60
12 minutes to present their arguments. Petitioner, you'll proceed first. And
13 would you like to reserve any time for rebuttal?

14 MR. RAZAI: Yes, Your Honors. I would like to reserve 15
15 minutes, please.

16 JUDGE WISZ: Fifteen minutes. And I'll just set the clock, and
17 you can start whenever you're ready. If you could just make sure that
18 microphone is on.

19 MR. RAZAI: Hello? Is it on? Okay. Thank you, Your Honors.
20 Like I said, I'm Ali Razai from Knobbe Martens presenting on behalf of the
21 Petitioner, Spectrum Solutions. So this IPR involves the '646 patent, and the
22 '646 patent comprises of three parts. There's a sample collection vessel that's
23 identified in green, a cap, and an annular valve. The annular valve has an
24 outer cylinder. As you can see, that's in burgundy. It has an inner cylinder
25 that's in orange that houses a reagent compartment. The reagent

1 compartment has fluid vents which are denoted in yellow on the slides,
2 which is on Slide 2. Once the outer cylinder slides past the fluid vents, it
3 opens the fluid vent, thereby allowing the reagents and the reagent
4 compartment to flow out of the reagent compartment and into the sample
5 collection vessel, thereby mixing with whatever substance may be present in
6 that particular vessel.

7 The Petitioner has challenged the '646 patent on four separate
8 grounds. Ground 1 is the combination of Plante and Cho. The Plante patent
9 also revolves around a sample collection system, and it's configured for ease
10 of use by unskilled users. It's specifically concerned with saliva collection,
11 storage, and transmission systems. The system includes a receiving vessel
12 that includes an integrated funnel and a cap. And similar to the '646 patent,
13 the cap includes a reagent chamber. The reagent chamber has a membrane
14 on the bottom and, as the cap is tightened onto the vessel, there is a knife 19
15 that pokes through that membrane, creating a hole there by releasing the
16 reagents in the reagent chamber into the sample collection vessel.

17 Another piece of prior art that we're using in that combination is
18 the Cho patent, the Cho publication. And the Cho publication, similar to
19 what the annular knob in the '646 patent looks like, it has an inner cylinder
20 that's denoted in orange that houses a reagent chamber inside the cap. The
21 reagents are housed within that particular chamber, and there's fluid vents
22 that are denoted in yellow on the bottom of that inner cylinder. There's an
23 outer cylinder that's denoted in burgundy, and, as that outer cylinder slides
24 past the fluid vent, the reagents in the reagent chamber empty out into the
25 vessel.

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.