

PATENT IPR2013-00390
February 21, 2014 Conference Call

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

SEQUENOM, INC.

Petitioner,

v.

THE BOARD OF TRUSTEES OF
THE LELAND STANFORD JUNIOR UNIVERSITY

Patent Owner.

Case IPR2013-00390

Patent 8,195,415

Friday, February 21, 2014

Conference call in the above-entitled
matter, reported by SUSAN L. CIMINELLI, CRR, RPR, a
Notary Public in and for the Commonwealth of
Virginia, commencing at 4:00 p.m.

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1 APPEARANCES :

2 ADMINISTRATIVE PATENT JUDGES LORA M. GREEN,
3 FRANCISCO C. PRATS, SCOTT E. KAMHOLZ

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5 On behalf of the Petitioner:

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17 ALSO PRESENT:

18 John Peterson, Esquire, In-house counsel,
19 Sequenom

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

2 JUDGE GREEN: This is Judge Green. I
3 should have Judges Prats and Kamholz with me as well.
4 Who do I have for Petitioner?

5 MR. O'CONNOR: Good afternoon, Your Honor,
6 this is Steve O'Connor for the Petitioner, Sequenom.
7 We also have on the call Michelle Bosch, my
8 co-counsel, and John Peterson, who is in-house
9 counsel at Sequenom, and we also have a court
10 reporter on the line.

11 JUDGE GREEN: I'm assuming you will file a
12 copy of the transcript as an exhibit in due course.

13 MR. O'CONNOR: Yes, Your Honor.

14 JUDGE GREEN: And then who do I have for
15 Patent Owner? Do we have anybody from Patent Owner
16 on the line yet? I guess we'll give it another
17 couple minutes to see if somebody from Patent Owner
18 shows up.

19 MR. HUNTINGTON: Hello, Your Honor, this
20 is Danny Huntington. I just joined the call.

21 JUDGE GREEN: Are you the only
22 representative for Patent Owner?

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1 MR. HUNTINGTON: Yes.

2 JUDGE GREEN: Okay. And you understand
3 that there is also a court reporter on the line.

4 MR. HUNTINGTON: I understood that from
5 the conversation I just heard. Yes.

6 JUDGE GREEN: Okay. And then Petitioner
7 will be filing a transcript as an exhibit. It's my
8 understanding that Patent Owner requested the
9 conference call. Would Patent Owner like to begin?

10 MR. HUNTINGTON: Yes, Your Honor. On --
11 well, you may remember that we had a conference call
12 on the 6th of January in which we pointed out that
13 there is a -- there are corresponding proceedings and
14 an interference going on with respect to this
15 proceeding, and we talked about the effect of that.
16 And you said that you would check with the judge
17 handling -- check again, I should say, with the judge
18 handling the interference to see whether it made
19 sense to delay things. And you indicated it did not.

20 And there was also the outstanding request
21 for reconsideration which you ruled on on January 13.
22 And in that, you indicated that the request for

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1 reconsideration was denied because you said that the
2 provisional application was available through the
3 corporation by reference, and so there was no need to
4 have separate authorization for that. So as soon as
5 we kind of digested that, I sent an email to
6 Mr. O'Connor saying we wanted to cross-examine Dr.
7 Gabriel, but we'd like to schedule it after the 21st
8 of February. And the reason for that is the hearing
9 on that interference is next Tuesday, the 25th.

10 JUDGE GREEN: Had you had any discussions
11 with Petitioner before that time with the
12 understanding that you may have to adjust --
13 stipulate to adjustments to due dates 1 through 3?

14 MR. HUNTINGTON: No. Nothing other than
15 what we had in the telephone call. I think we -- you
16 had indicated that if there was a delay on the --
17 with respect to the issuance of the request for
18 reconsideration, that there was plenty of time in the
19 schedule. And also, of course, we did not, we said
20 we are not going to cross -- we are not going to
21 amend the claims. And so necessarily, one of the
22 dates drops out anyway. But to answer your exact

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