

By: Daniel W. McDonald (dmcDonald@merchantgould.com)
Merchant & Gould P.C.
3200 IDS Center
80 South 8th Street
Minneapolis, MN 55402
Tel: (612) 332-5300
Fax: (612) 332-9081

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CARDIOCOM, LLC
Petitioner

v.

ROBERT BOSCH HEALTHCARE SYSTEMS, INC.
Patent Owner

Case IPR2013-00468
Patent 7,516,192

PETITIONER'S REQUEST FOR ORAL ARGUMENT

Petitioner, Cardiocom, LLC (“Cardiocom”) hereby requests an oral hearing pursuant to 37 C.F.R. § 42.70 and the Board’s Scheduling Order (Paper No. 23). As set forth in its Order, the Board has currently scheduled the oral hearing for September 9, 2014. Cardiocom requests oral argument to discuss the issues specified below.

ISSUES TO BE ARGUED

1. Whether challenged claims 1-37 of U.S. Patent No. 7,516,192 (Ex. 1001) are unpatentable for the grounds instituted.
 - a. Whether claims 1-3, 6, 7, 11-12, 17-23, 29-30, and 35-36 are unpatentable under 35 U.S.C. § 103 as obvious over U.S. Patent No. 5,704,029 (“Wright”)
 - b. Whether claims 1-37 are unpatentable under 35 U.S.C. § 103 as obvious over Wright and U.S. Patent No. 5,827,180 (“Goodman”).
 - c. Whether claims 20-37 are unpatentable under 35 U.S.C. § 103 as obvious over Goodman, and U.S. Patent No. 5,367,667 (“Wahlquist”).
2. Whether Exhibits 2010-2057 and Dr. David’s testimony using Exhibits 2010-2057 to demonstrate non-obviousness should be excluded based on Dr. David’s failure to provide a nexus between the exhibits and the claimed invention, as described in Cardiocom’s Motion to Exclude, filed July 31, 2014

3. Whether Dr. David's testimony repeating hearsay and Patent Owner's arguments relying on said hearsay should be excluded from use for the purpose of proving the truth of the matters asserted as described in Cardiocom's Motion to Exclude, filed July 31, 2014.
4. Response to any issues raised by Patent Owner in its Request for Oral Argument.

Respectfully submitted,

Date: July 31, 2014

/Daniel W. McDonald/
Daniel W. McDonald, Reg. No. 32,044
Attorneys for Petitioner Cardiocom

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R § 42.6(e), the undersigned hereby certifies that a copy of this PETITIONER'S REQUEST FOR ORAL ARGUMENT has been served on July 31, 2014, by email on counsel of record for the patent owner at the following name and address:

Don Daybell (ddaybell@orrick.com)
Davin M. Stockwell (dstockwell@orrick.com)
Bas de Blank (basdeblank@orrick.com)
Lillian Mao (lmao@orrick.com)
BoschvCardiocom-IPRServiceList@orrick.com
D2DPTABDocket@orrick.com
ORRICK, HERRINGTON, &
SUTCLIFFE LLP
2050 Main St., Suite 1100
Irvine, CA 92614
Tel: 949-567-6700
Fax: 949-567-6710

Respectfully submitted,
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: July 31, 2014

/ Daniel W. McDonald /
Daniel W. McDonald (Lead Counsel)
USPTO Reg. No.: 32,044