

RECORD OF ORAL HEARING
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZIMMER HOLDINGS, INC. and ZIMMER, INC.

Petitioners

vs.

BONUTTI SKELETAL INNOVATIONS LLC

Patent Owner

Case No. IPR2014-00191

Patent No. 7,837,736

Technology Center 3700

Oral Hearing Held: Friday, January 9, 2015

Before WILLIAM V. SAINDON, MICHAEL R. ZECHER, and RICHARD
E. RICE, *Administrative Patent Judges*.

The above-entitled matter came on for hearing on Friday, January 9, 2015, at
10:00 a.m., in Hearing Room D, taken at the U.S. Patent and Trademark
Office, 600 Dulany Street, Alexandria, Virginia.

Patent No. 7,837,736
Technology Center 3700

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1 So if you look at figure 90 -- and this is from the
2 '736 patent -- what it shows us is a knee implant 1290. The
3 knee implant 1290 includes a femoral component that's not
4 shown here but that is secured to the femur. And it includes a
5 tibial component that is shown here, 1292.

6 The tibial component includes two subcomponents,
7 a bearing insert 1296 and a tray 1294. The tray 1294, as the
8 Board can see, includes a post 1306, and then the bearing
9 insert 1296 includes a recess 1308.

10 Now, if you look at the patent what it tells us
11 about those two elements is shown on the right. It is very
12 brief. What it says is: "Superior surface 1302" -- so that's the
13 surface on the tray -- "is provided with a post 1306 that
14 cooperates with a recess 1308 located on bearing insert 1296
15 to permit rotation of bearing insert 1296 with respect to tibial
16 tray 1294."

17 The patent also says -- and you can see that at the
18 bottom -- it recognizes that knee implants were well known in
19 the prior art. And one of those references is the one that is at
20 issue here. It's the Walker patent.

21 So looking at the procedural history of this case,
22 the Board instituted review of claims 15 through 22, 26
23 through 28, 31 through 36, based on Walker.

24 The Board was very clear in its institution
25 decision. It said: "Having reviewed Petitioner's assertions

1 and the cited portions of the record, we are persuaded that
2 Petitioner has demonstrated a reasonable likelihood of
3 prevailing on its contention that Walker anticipates claims 15
4 through 22, 26 through 28, and 31 through 36 of the '736
5 patent."

6 In response the Patent Owner filed a statutory
7 disclaimer with respect to claims 15 through 20 and 26
8 through 28. So the only claims that remain at issue are claims
9 21, 22 and 31 through 36. And I will spend the rest of the
10 time talking about those claims.

11 So if we turn to claims 21 and 22 -- and we are on
12 slide 7 now -- if you turn to claims 21 through 22 they depend
13 from claim 15. And that's the reason you see claim 15 there
14 even though it has been disclaimed.

15 So if you look at claim 15, it is a device to replace
16 an articulating surface of a first side of the joint. And it
17 recites a bunch of elements. One of them is the base
18 component, a base component. So that would be similar to the
19 tray that is shown here in figure 90.

20 You have a movable component that would be
21 similar to the bearing insert that is shown in figure 90. Then
22 you have a protrusion on the base sliding side or the movable
23 sliding side. So, again, that would be this post 1306. And
24 then you have a recess sized to receive said protrusion, and
25 that would be element 1308, similar to element 1308.

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