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571-272-7822

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DEXCOM, INC.
Petitioner,

v.

WAVEFORM TECHNOLOGIES, INC.
Patent Owner

IPR2016-01679
Patent 7,146,202

Before BRIAN P. MURPHY, JON B. TORNQUIST, and
ELIZABETH M. ROESEL, *Administrative Patent Judges*

PATENT OWNER'S REQUEST FOR ORAL ARGUMENT

Pursuant to the Board's Scheduling Order dated March 6, 2017 (Paper 11) and the Board's Amended Scheduling Order dated April 7, 2017 (Paper 15), Patent Owner WaveForm Technologies, Inc. ("Patent Owner") respectfully requests oral argument, currently scheduled for December 7, 2017. As the Board has also scheduled oral argument for December 7, 2017 in the co-pending proceeding IPR2016-01680, Patent Owner requests that each party be given a total of one (1) hour of oral argument time to present its arguments on both matters.

Pursuant to 37 C.F.R. § 42.70(a), and without intending to waive any issue not specifically identified, Patent Owner specifies the following issues to be argued with respect to U.S. Patent No. 7,146,202:

1. The correct constructions of the claim terms "a structurally flexible core" and "surrounding, covering, and in contact with," "outer surface of the core," and "first end of the core."
2. Whether challenged claims 1-3, 6, 8, 10, and 11 are anticipated under 35 U.S.C. § 102(b) by Hagiwara;
3. Whether challenged claim 5 is obvious under 35 U.S.C. § 103 over Hagiwara and Rosenblatt;
4. Whether challenged claims 1-3, 5, 6, and 9-11 are obvious under 35 U.S.C. § 103 over Wilson and Rosenblatt;

5. Exclusion or non-consideration of certain evidence submitted by Petitioner in its Reply, as set forth in Patent Owner's Motion to Exclude Evidence;
6. Response to arguments raised in any Motion to Exclude by Petitioner, or its Reply in support thereof;
7. Response to arguments raised in Petitioner's Reply;
8. Response to issues specified by Petitioner in its request for oral argument;
9. Response to Petitioner's presentation on all matters; and
10. Any additional issues on which the Board seeks clarification, or which the Board deems necessary for issuing a final written decision.

Patent Owner respectfully requests that the Board provide audio-visual equipment to display demonstrative exhibits and evidence of record, including a projector and screen for a PowerPoint presentation or other visual display from a computer, as well as an ELMO projector.

Respectfully submitted,
SCHWABE, WILLIAMSON & WYATT, P.C.

Date: October 10, 2017

By: /Scott D. Eads/
Scott D. Eads
Reg. No.: 41,726
Attorney for Patent Owner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on the 10th day of October, 2017, a complete and entire copy of these **PATENT OWNER'S REQUEST FOR ORAL ARGUMENT** was provided via electronic mail to the Petitioner's known representatives at the e-mail addresses noted below:

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Respectfully submitted,
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