

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RTI SURGICAL, INC.,
Petitioner,

v.

LIFENET HEALTH,
Patent Owner.

IPR2019-00569 (Patent 6,458,158 B1)
IPR2019-00570 (Patent 8,182,532 B2)

Record of Oral Hearing
Held Virtually: Tuesday, June 2, 2020

Before GEORGE R. HOSKINS, TIMOTHY J. GOODSON, and
CHRISTOPHER C. KENNEDY, *Administrative Patent Judges*.

IPR2019-00569 (Patent 6,458,158 B1)

IPR2019-00570 (Patent 8,182,532 B2)

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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The above-entitled matter came on for hearing on Tuesday, June 2, 2020, commencing at 1:11 p.m. EST, by video/by telephone.

1 PROCEEDINGS

2 JUDGE GOODSON: I see that we have Mr. Headrick on.
3 Do we have anybody from Patent Owner?

4 MR. JACOBS: Yes, Your Honor, this is Michael Jacobs
5 for Patent Owner LifeNet Health.

6 JUDGE GOODSON: Okay.

7 MR. JACOBS: Good afternoon, Your Honor. The PTO
8 technology person just emailed us a new Webex connection. Our
9 video is not working at our end, just the audio. And our folks
10 have been on the line with the PTO's IT folks.

11 JUDGE GOODSON: Okay. Thank you, Mr. Jacobs. Let me
12 announce the cases first and we'll see if we can have a brief
13 discussion about the technical issues and what to do about them.

14 So this is the hearing for two proceedings between
15 Petitioner, RTI Surgical, Inc. and Patent Owner, LifeNet Health.
16 The case numbers are IPR2019-00569 and IPR2019-00570. The
17 patents involved are 6,458,158 and 8,182,532, respectively. I'm
18 Judge Goodson. Judges Hoskins and Kennedy are also present.
19 And before we dive into the merits, we have some technical
20 issues, I understand. The current situation is that we see
21 Mr. Headrick on and we are able to hear Mr. Jacobs.

22 Mr. Jacobs, I understand you have a request to make?

23 MR. JACOBS: Yes, Your Honor. Our technology people
24 -- and again, this is Michael Jacobs for LifeNet Health. Thank
25 you, Your Honor. Our IT people have been in touch with the
26 PTO's people, and apparently the PTO person just sent new

1 connection information to us. So I would request -- and
2 apparently, Your Honor, the number has been changed two or three
3 different times.

4 I would request two things as an initial matter. One,
5 that we take a short break to see if the video can be resolved
6 at our end, and if that doesn't work, then I would request that
7 the entire hearing be done strictly telephonically since we will
8 not be able to see Your Honors and you will not be able to see
9 -- and I will not be able to see opposing counsel and no one
10 will be able to see me.

11 JUDGE GOODSON: Okay. I understand. I think we need
12 to get started here because I don't want to keep the staff
13 later. This is already kind of a long hearing just for the
14 afternoon, so what I think we will do is we'll ask Mr. Headrick
15 to mute his video connection so that we're all strictly audio.
16 And if we can get this resolved during the first break, similar
17 to the last set of hearings in this family, we'll plan to take a
18 break after Mr. Headrick's initial presentation and we'll see if
19 we can get the video restored at that time. If not, we'll just
20 continue on with audio only. So Mr. Headrick has now muted his
21 video, we don't see anything from him, and we will --
22 Mr. Headrick, is it correct that you can not see us either?

23 MR. HEADRICK: Judge Goodson, good afternoon. I can
24 see you. I cannot see any of the other judges.

25 JUDGE GOODSON: Okay. Let's see, is there a way --
26 I'll just ask our technical staff if there's a way to -- so that

1 there's no kind of one-way communication video wise. Is that
2 something we can -- the panel can do by muting our video or
3 something that can be done centrally there?

4 PTO HEARING STAFF: Yeah, Judges, we can all see you on
5 video now, so if you hit the button that says stop my video --

6 JUDGE GOODSON: Okay.

7 PTO HEARING STAFF: You'll be -- you'll still be able to --
8 we'll still hear you on audio but your video will be muted.

9 JUDGE GOODSON: Okay. So I hit the stop my video so,
10 Mr. Headrick, are you able to see anybody now?

11 MR. HEADRICK: No, I am not, Your Honor. But I would
12 like to clarify something. If we're going to go audio only,
13 then my suggestion and request would be that it be audio only
14 for the entirety of the hearing and not just my portion of the
15 hearing.

16 JUDGE GOODSON: Right. That's understandable. Okay.
17 Yeah, let's do that, that makes sense. So -- but let's get
18 going. Unfortunately, we can't really spend another portion of
19 time here this afternoon trying to get the video established for
20 everybody, so we're just going to have to carry on, and thank
21 you for your understanding on that. It's unknown, you know, whose
22 fault that is, but let's just carry on.

23 So, let's see, since we're on audio, let's just take
24 special care so that we're communicating only with our voices
25 and that it's clear what we're referring to, so let's just keep
26 that in mind throughout the course of the hearing today. And

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