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Paper No. 37

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,  
Petitioner,

v.

OMNI MEDSCI, INC.,  
Patent Owner.

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IPR2019-00916  
Patent 9,651,533

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Record of Oral Hearing  
Held: July 16, 2020

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Before GRACE OBERMANN, JOHN HORVATH, and  
SHARON FENICK, *Administrative Patent Judges*.

IPR2019-00916  
Patent 9,651,533

APPEARANCES:

ON BEHALF OF THE PETITIONER:

JEFFREY P. KUSHAN, ESQUIRE  
Sidley Austin, LLP  
1501 K Street, N.W.  
Washington, D.C. 20005

ON BEHALF OF PATENT OWNER:

THOMAS A. LEWRY, ESQUIRE  
JOHN LEROY, ESQUIRE  
Brooks Kushman, PC  
1940 Duke Street  
2nd Floor  
Alexandria, VA 22314

The above-entitled matter came on for hearing on Thursday, July 16, 2020, commencing at 1:00 p.m., EDT, by video/by telephone.

P R O C E E D I N G S

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2 JUDGE HORVATH: Good afternoon everyone. This is  
3 Judge Horvath at the Patent Trial & Appeal Board. With me are  
4 Judges Obermann and Fenick. We are hear to hear the oral  
5 argument for IPR2019-00916, Apple, Inc., v. Omni MedSci, Inc.  
6 Do we have counsel for Petitioner here and could you identify  
7 yourself, please?

8 MR. KUSHAN: Yes, Your Honor. This is Jeff Kushan  
9 from Sidley Austin on behalf of Petitioner Apple. Joined with  
10 me is Tom Broughan and Matt Hopkins, and I also note that on  
11 the public line our client Natalie Pous is also participating.

12 JUDGE HORVATH: Thank you, Mr. Kushan. Who will be  
13 presenting for Petitioner today?

14 MR. KUSHAN: I will be.

15 JUDGE HORVATH: Thank you, sir. And is counsel for  
16 Omni MedSci on the line?

17 MR. LEWRY: Yes, Your Honor. This is Tom Lewry from  
18 Brooks Kushman. I'm here with several people but John Leroy is  
19 the other person you can see on the screen. Christopher Smith  
20 and Andrew Turner is with me and on the call-in line our client,  
21 Mohammad Islam is also on the call.

22 JUDGE HORVATH: Thank you, Mr. Lewry, and who will  
23 be presenting for Omni MedSci today?

1 MR. LEWRY: I will be presenting on the issues of claim  
2 construction and Mr. Leroy will be presenting on other issues.

3 JUDGE HORVATH: Okay, thank you.

4 MR. LEWRY: (Indiscernible.)

5 JUDGE HORVATH: Yes, that's perfectly fine. And I  
6 understand the court reporter is on the line; is that correct?

7 THE REPORTER: Yes.

8 JUDGE HORVATH: Okay, thank you. So I appreciate  
9 everyone being here today and I know it's less ideal to have these  
10 by video conference than it is in person but given the nature of  
11 what's happening with the pandemic this is, you know, the best  
12 we can do. So I appreciate everyone's cooperation in being here  
13 today.

14 To make the court reporter's job a bit easier, I'm going to  
15 ask everyone to please identify themselves before they start  
16 speaking -- to make the reporter's job a bit easier and also to  
17 make sure that we have as accurate a transcript as possible. So  
18 I'm going to ask you to please try to remember to speak, rather to  
19 identify yourselves prior to speaking. I'm going to try to police  
20 that and I'm going to apologize in advance because if you forget  
21 to identify yourself I just might interrupt you to ask you to do  
22 that. And so let me apologize in advance for that interruption to  
23 the extent that it does occur.

24 Also for the court reporter, if someone is speaking and you

1 do not know who that person is -- you can't tell from their voice  
2 or whatever who they are -- please feel free to briefly interrupt  
3 to ask that party to identify themselves. We are all in possession  
4 of your demonstrative exhibits so, as to that, in addition to  
5 identifying yourself, if you're referring to a slide number of your  
6 demonstratives or to some underlying papers such as the Petition  
7 or the Patent Owner Response or to an underlying exhibit that  
8 you please identify that particular paper by number or the  
9 presentation on your slide by slide number or the exhibit number  
10 and what page of that document you're referring to so that we  
11 can all look that information up on our computers.

12 I suppose the only thing left to discuss before we begin is  
13 what we do in the event if there's a disconnection. Hopefully  
14 that won't happen. I've had two proceedings so far and in one it  
15 did happen, I'm hoping that was an anomaly, I think it probably  
16 was but anyway my understanding is that if there is a  
17 disconnection you've all been given a phone number that you can  
18 dial into so if that does happen please try to reconnect as soon as  
19 possible and we'll then try to proceed from the point via the  
20 court reporter's transcript. We'll try to pick up the hearing from  
21 the point at which the disconnection occurred.

22 Okay. Thank you for that. And with that having been said,  
23 per our Order dated July 1, each side today will have 45 minutes  
24 total to present their arguments. Each side will be allowed to

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