

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MEDIVIS, INC.,
Petitioner,

v.

NOVARAD CORP.,
Patent Owner.

IPR2023-00042 (Patent 11,004,271 B2)
IPR2023-00045 (Patent 10,945,807 B2)

Record of Oral Hearing
Held: January 30, 2024

Before MIRIAM L. QUINN, *Acting Vice Chief Administrative Patent Judge*,
MICHAEL R. ZECHER and SCOTT RAEVSKY, *Administrative Patent
Judges*.

IPR2023-00042 (Patent 11,004,271 B2)

IPR2023-00045 (Patent 10,945,807 B2)

APPEARANCES:

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The above-entitled matter came on for hearing on Tuesday, January 30, 2024, commencing at 1:00 p.m., via video teleconference.

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P R O C E E D I N G S

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JUDGE RAEVSKY: Welcome, everyone. My name is Judge Raevsky and welcome to the Patent Trial and Appeal Board. I'm joined today by Judges Quinn and Zecher. We're here today for oral arguments in *inter partes* review numbers 2023-00042 and 00045, in which Medivis, Inc. is the Petitioner, and Novarad Corp. is the Patent Owner. At issue in the 042 case is U.S. Patent Number 11,004,271. At issue in the 045 case is U.S. Patent Number 10,945,807. Petitioner, would you please enter your appearances?

MS. FREEMAN: Yes, this is Kia Freeman representing Medivis. With me today is Erik Belt and --

MR. BELT: Good afternoon, Your Honors.

MS. FREEMAN: -- our colleague, Leah McCoy. Also listening on the public line are the founders of Medivis, Chris Morley, and Osamah Choudhry, and Saba Nagy.

JUDGE RAEVSKY: And, Kia, you'll be presenting today?

MS. FREEMAN: I'll be presenting for IPR2023-00042, and Mr. Belt will be presenting for IPR2023-00045.

JUDGE RAEVSKY: Thank you. And who do we have for Patent Owner today?

MR. HARMER: Good afternoon. My name is Joseph Harmer, representing Patent Owner Novarad. I have Mr. Jed Hansen in the room with me, though he won't appear on screen. And I will be representing, or presenting, pardon me, in both IPRs.

JUDGE RAEVSKY: Thank you, counsel. Before we begin, I

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1 have a number of housekeeping items. First of all, when you're referring to
2 a slide today, please tell us the slide number so that we can follow along.
3 Secondly, please remember to mute yourself when you're not speaking and
4 then identify yourself at the beginning of your presentation for the benefit of
5 the court reporter. And please also be aware that members of the public may
6 be listening to this hearing.

7 I'd like to also note that we've received objections from Patent
8 Owner to a number of Petitioner's slides in the 045 case. In particular,
9 Patent Owner objects to slides 60 and 62 through 76 of Petitioner's 045
10 demonstratives because they raised new theories of obviousness. We agree
11 with Patent Owner. The 045 Petition discusses Ground 2, obviousness over
12 Jones without citing prior art other than referring to a scope and content of
13 the prior art section earlier in the Petition. In contrast, nearly all of the
14 aforementioned slides refer to Jones plus knowledge in the art and supply
15 detailed citations that are not present in the obviousness over Jones section
16 of the Petition. Accordingly, we sustain Patent Owner's objections, and
17 Petitioner must not refer to those slides or raise similar arguments orally. In
18 addition, should either party wish to make further objections during the
19 hearing, that party must raise those objections during its own presentation
20 time and must not object during opposing counsel's presentation.

21 As far as the mechanics of the hearing, argument will proceed
22 for each case separately. Each side will have 45 minutes to argue the 042
23 case. We will then take a 10-minute break, and then each side will have an
24 additional 45 minutes to argue the 045 case. And for convenience, we'd like
25 to have a single transcript covering both cases. Does either party object to
26 having a single transcript?

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1 MR. BELT: No, Your Honor. Petitioner does not object. And
2 may I ask a question, Your Honor?

3 JUDGE RAEVSKY: You may.

4 MR. BELT: So, I would like to lodge a, you know, for the
5 record an objection or, you know, reserve my right with respect to your
6 ruling on those slides. May I argue that point when it comes to the
7 argument on the '807 Patent?

8 JUDGE RAEVSKY: You may argue that point, but you may
9 not refer to those slides substantively.

10 MR. BELT: Okay.

11 JUDGE RAEVSKY: Thank you. For each case, we will first
12 hear from Petitioner, and then we'll hear from Patent Owner, followed by
13 any rebuttal by Petitioner and then any sur-rebuttal by Patent Owner. For
14 the first part of our hearing addressing the 042 case, Petitioner, would you
15 like to reserve any time for rebuttal today?

16 MS. FREEMAN: Yes, Your Honor. I'd like to reserve 15
17 minutes for rebuttal.

18 JUDGE RAEVSKY: Okay. So that will leave you with 30
19 minutes for your primary argument. When you're ready, you may begin.

20 MS. FREEMAN: Thank you, Your Honors. I'm going to start
21 by going over the trial record in this IPR. Under Rule 42.64(c), a motion to
22 exclude evidence must be filed to preserve any objection. Novarad waived
23 all of its objections to Medivis's exhibits by not moving to exclude any of
24 Medivis's evidence. On the other hand, Medivis's motion to exclude
25 Novarad's Exhibits 2002 and 2004, which are the declarations of Mulumudi
26 and Rosenberg, remains pending.

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