UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MEDIVIS, INC.
Petitioner

v.

NOVARAD CORP.
Patent Owner

Inter Partes Review No. IPR2023-00042
US Patent No. 11,004,271

Inter Partes Review No. IPR2023-00045
US Patent No. 10,945,807

SUPPLEMENTAL DECLARATION OF PETER KAZANZIDES, Ph.D.

1. I, Peter Kazanzides, Ph.D., have been working with the 3D Slicer platform for almost two decades. During that time, I have personally taken advantage of 3D Slicer training and documents.

3D Slicer Background

2. In 2012, several people involved in the development of 3D Slicer wrote an article "to serve as a brief summary and introduction to 3D Slicer capabilities." Exhibit 1020, A. Federov et al., "3D Slicer as an image Computing Platform for the Quantitative Imaging Network," 30 MAGNETIC RESONANCE IMAGING 1323-1341 (2012). The 2012 article notes that "Over the years, 3D Slicer has gained broad acceptance in the medical imaging research community." Exhibit 1020 at 1339 col. 2.

3. The 2012 article explained that "3D Slicer is a free open-source extensible software application for medical image computing and visualization. Slicer emerged as a culmination of several independent projections that focused separately on image visualization, surgical navigation and graphical user interface (GUI)." Exhibit 1020 at 1324 col. 1.

4. The 2012 article includes a 3D Slicer trademark. Exhibit 1020 at FIGS. 2, 4, and 5.

5. The 2012 article explained that "Documentation, training and user support are high priorities for the Slicer community. Hands-on training sessions are organized regularly as part of ongoing outreach initiatives at major conferences, such as the annual Radiological Society of North American (RSNA), Medical Image Computing and Computer Assisted Interventions (MICCAI) and International Society for Optics and Photonics (SPIE) meetings, or in response to request by host institutions at both national and international venues. … Remote learning of 3D Slicer is supported by online resources and community mailing lists. Focused training materials that include sample data sets and step-by-step instruction are available for basic Slicer operation as well as advanced workflows." Exhibit 1020 at 1327 col. 2.

6. As to how to learn more about 3D Slicer, the 2012 article explained that "Various training and support resources are available to the users and developers to ease the learning curve. … The interested reader is encouraged to explore the various resources available from the home page of the 3D Slicer project: http://slicer.org." Exhibit 1020 at 1327 col. 2.

7. The version 4.x Acknowledgements on the 3D Slicer website requests that users cite both "the Slicer web site (http://slicer.org) and [the 2012 article]" to acknowledge 3D Slicer as a platform. Exhibit 1017, "Documentation/4.x/Acknowledgements," available at <www.slicer.org/wiki/Documentation/4.x/Acknowledgements>, 2.

8. By 2015, 3D Slicer was recognized as a "well-known, free and open-sourced software package … for visualization and medical image computing." Exhibit 1009 at 131 col. 1. Any written discussion of 3D Slicer typically included the "http://www.slicer.org" website address as a source for information on 3D Slicer. See, e.g., Exhibit 1009 at 131 col. 1.

9. According to Exhibit 1009 (in both IPR2023-0042 and IPR2023-00045), in the "several years [before 2015], many research groups ha[d] developed loadable extension modules based on 3D Slicer, for example, DicomRtExport module enables basic DICOM RT studies to local storage …." Exhibit 1009 at 8.

Exhibit 1007 in IPR2023-00042 — S. Pujol, Ph.D. et al., 3D Visualization of DICOM Images for Radiological Applications (Surgical Planning Laboratory, Brigham and Women's Hospital, Boston, Massachusetts 2014) ("*3D Visualization*")

10. Exhibit 1007 in IPR2023-0042 is entitled "3D Visualization of DICOM Images for Radiological Applications." (All references to Exhibit 1007 hereinafter refer to Exhibit 1007 in IPR2023-00042). Part II of Exhibit 1007

describes "3D Data Loading and visualization of DICOM images." Exhibit 1007, 1st Slide 3. Exhibit 1007 references the use of four "DICOM" datasets. Exhibit 1007, 2d Slide 3.

11. Exhibit 1007 is the PDF available from the 3D Slicer website at <https://www.slicer.org/w/img_auth.php/3/3a/3DVisualizationDICOM_SoniaPujol.pdf>. Exhibit 1007 directs users back to "www.slicer.org." Exhibit 1007, at Slide 126.

12. Exhibit 1007 identifies itself as a "tutorial." Exhibit 1007 at Slides 2, 58, 60-78. Exhibit 1007 includes the 3D Slicer trademark on many pages. See, e.g., Exhibit 1007 at Slides 6, 7, 10, 17, 18, 19, 22-30, 32-36, 121.

13. Exhibit 1007 identifies the Surgical Planning Laboratory (SPL) of Brigham and Women's Hospital, Boston, Massachusetts as its publisher. The version 4.x Acknowledgements on the 3D Slicer project website identify "SPL" as a group "Contributing to the Core Engineering of Slicer in a Major Way." Exhibit 1017, at 2. Exhibit 1007 includes the "SPL" trademark on every page. Exhibit 1007 includes "©2012-2014 Surgical Planning Laboratory, ARR" on almost every page.

14. Exhibit 1007 states that "Slicer started as a research project between the Surgical Planning Lab [(SPL)] (Harvard) and CSAIL (MIT)." Exhibit 1007, Slides 9, 10. According to the 2012 article introducing 3D Slicer, "Since 1999,

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