

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DEXCOM, INC.,
Petitioner,

v.

ABBOTT DIABETES CARE INC.,
Patent Owner.

U.S. Patent No.: 11,298,056

Title: METHODS AND SYSTEMS FOR EARLY SIGNAL ATTENUATION
DETECTION AND PROCESSING

DECLARATION OF BRIAN D. GROSS

DEXCOM
EXHIBIT 1208

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I, Brian D. Gross, BSEE, M.Sc., do hereby declare as follows:

I. INTRODUCTION AND ENGAGEMENT

1. My name is Brian D. Gross, and I have been retained as an independent expert on behalf of Dexcom, Inc. in connection with the above-captioned Petition for Inter Partes Review (“IPR”) to provide my analyses and opinions on certain technical issues related to U.S. Patent No. 11,298,056 (hereinafter “the ’056 Patent”). Specifically, I have been asked to provide my opinions regarding whether claims 13 and 29 of the ’056 Patent would have been obvious to a person having ordinary skill in the art (“POSITA”) as of April 2009. After reviewing the prior art discussed herein, it is my opinion that each of claims 13 and 29 of the ’056 Patent would have been obvious to a POSITA.

2. I am being compensated at my usual and customary rate for the time I spent in connection with this IPR. My compensation is not affected by the outcome of this IPR.

3. On July 24, 2023, I submitted a declaration with testimony in support of an IPR Petition challenging claims 1-12, 14-28, and 30 of the ’056 Patent. My testimony in sections II. Background and Qualifications (¶¶4-8 below), IV. Materials Considered and Information Relied upon Regarding The ’056 Patent (¶¶10-11 below), V. Understanding of Patent Law (¶¶12-24 below), VI. The ’056 Patent (¶¶25-30 below), VII. State-of-the-Art and Level of Skill in the Art (¶¶31-61 below)

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