

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DEXCOM, INC.,
Petitioner,

v.

ABBOTT DIABETES CARE INC.,
Patent Owner.

IPR2023-01251
Patent 11,298,056 B2

PETITIONER'S REQUEST FOR ORAL ARGUMENT

Pursuant to 37 C.F.R. § 42.70 and the Board's Scheduling Order of February 5, 2024 (Paper 12), Petitioner Dexcom, Inc. respectfully requests oral argument, currently scheduled for November 4, 2024. Petitioner requests **60 minutes** for oral argument.

Pursuant to the Scheduling Order (Paper 12, 6) and the USPTO updated guidance on oral hearings (<https://www.uspto.gov/patents/ptab/hearings>), Petitioner requests an in-person hearing at the USPTO headquarters in Alexandria. Petitioner requests authorization to present demonstrative slides during oral argument.

Petitioner specifies, without waiving consideration of any issue not requested, the following issues to be argued:

- Ground 1: the obviousness of claims 1-3, 5-8, 11-12, 17-24, 26-28, 30 over *Patel*-2009 (EX1012) and Paradigm® REAL-Time (EX1011)
- Ground 2: the obviousness of claims 4, 9-10, 15-16, 25 over *Patel*-2009 (EX1012), Paradigm® REAL-Time (EX1011), and *Causey* (EX1017);
- Ground 3: the obviousness of claims 1-12, 14-18, 20-28, 30 over *Patel*-2008 (EX1015), *Mastrototaro* (EX1019), *Shahmirian* (EX1023), and *Causey* (EX2017);
- Proper constructions of the claim language;
- Any issues raised by the Board or Patent Owner in oral argument;

- Any motions that remain pending at the time of the hearing.

Petitioner reserves the right to address any arguments presented by Patent Owner and any other issues about which the Board wishes to hear argument.

Respectfully submitted,

Dated: September 23, 2024

By: /Andrew M. Mason/

Andrew M. Mason, Reg. No. 64,034
andrew.mason@klarquist.com
KLARQUIST SPARKMAN, LLP
One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Tel: 503-595-5300
Fax: 503-595-5301

Counsel for Petitioner

CERTIFICATE OF SERVICE
IN COMPLIANCE WITH 37 C.F.R. § 42.6(E)(4)

The undersigned certifies that on September 23, 2024, a complete copy of
PETITIONER'S REQUEST FOR ORAL ARGUMENT was served on Patent
Owner via electronic mail as follows:

Peter J. McAndrews
Leland G. Hansen
David Z. Petty
Rajendra Chiplunkar
Michael J. Carrozza
McAndrews, Held & Malloy, Ltd.
500 W. Madison Street, 34th Floor
Chicago, IL 60661
Email: pmcandrews@mcandrews-ip.com
lhansen@mcandrews-ip.com
dpetty@mcandrews-ip.com
rchiplunkar@mcandrews-ip.com
mcarrozza@mcandrews-ip.com
IPR2023-01251@mcandrews-ip.com

By: /Andrew M. Mason/

Andrew M. Mason, Reg. No. 64,034
andrew.mason@klarquist.com
KLARQUIST SPARKMAN, LLP
One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Tel: 503-595-5300
Fax: 503-595-5301

Counsel for Petitioner