UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AVANOS MEDICAL, INC.
Petitioner,

v.

STRATUS MEDICAL, LLC,
Patent Owner.

IPR2024-01210
U.S. Patent No. 10,736,688

PATENT OWNER'S REQUEST FOR ORAL ARGUMENT

Pursuant to 37 C.F.R. § 42.70(a) and the Board's Scheduling Order (Paper 9), Stratus requests oral argument, which is currently scheduled for Thursday, November 6, 2025.

This case is one of four simultaneously instituted cases between the same parties regarding the same or related patents and also having oral argument scheduled for November 6, 2025. The other three cases are IPR2022-01209, IPR2024-01211, and IPR2024-01212. The issues in this case are the same as or overlapping with those in the other three cases.

Stratus believes that it would be most efficient to have one consolidated oral argument for all four cases. Stratus believes that 30-45 minutes per side should be adequate for arguments given the number of issues and their overlap.

Stratus's counsel is available and would prefer to conduct the oral argument in person at the USPTO headquarters in Alexandria, Virginia. Counsel for the parties have conferred and agree on this point. Alternatively, should the Board prefer a remote oral argument, Stratus's counsel is also available to conduct the oral argument via remote video conferencing. Stratus presently does not expect more than four individuals to be present at the oral argument.

Stratus expects to argue one or more of the following issues at the oral argument:

(1) Whether the petitioner has met its burden to show that any claims of the ’782 Patent are unpatentable under any ground in the petition or for which trial has been instituted.

(2) Whether the petitioner has met its burden to show that any of claims of the ’782 Patent are obvious in view of “Racz’s modified device” alone or in view of other references cited in the petition.

(3) Whether the petitioner has met its burden to show that the prior art provides an enabling disclosure of Racz’s modified device.

(4) Whether the petitioner has met its burden to show motivation to combine the teachings of Racz, Fitz, and Lee to arrive at Racz’s modified device.

(5) Whether the petitioner has met its burden to show a reasonable expectation of success in making Racz’s modified device.

(6) Whether the petitioner has met its burden to show a reasonable expectation of success in using Racz’s modified device.

(7) What is the field of art of the ’782 Patent.

(8) What are the characteristics of a person of ordinary skill in the art of the ’782 Patent.

(9) Whether petitioner’s expert, Dr. Tucker, satisfies the definition of a person of ordinary skill in the art of the ’782 Patent.

(10) How much weight to give Dr. Tucker's testimony.

(11) Whether Lee is analogous art to the '782 Patent.

(12) Whether the petition has described Racz's modified device with sufficient clarity and completeness.

(13) Whether Racz, Fitz, and Lee teach or suggest using an insertable RF probe to energize, at the distal end, deployable filaments of an RF ablation needle.

(14) Whether Racz teaches away from Racz's modified device in any material respect, including (a) having a straight needle tip and (b) having flexible filaments.

(15) Whether Lee teaches away from Racz's modified device in any material respect, including omitting anchors.

(16) Whether Racz teaches a straight tip.

(17) Whether Racz discloses RF neurotomy needles larger than 16-gauge.

(18) Whether the state of the art at the time of the invention included RF neurotomy needles larger than 16-gauge.

(19) Whether it would have been obvious to combine Young '965 with Racz, Fitz, and Lee in the manner proposed in the petition.

(20) Whether it would have been obvious to combine Scheibe with Racz, Fitz, and Lee in the manner proposed in the petition.

(21) How much weight to give to objective indicia of nonobvious in this case, including long-felt-but-unmet need, copying, praise, and commercial success.

(22) Whether Stratus's Nimbus is a commercial embodiment of the claimed invention coextensive with the claims.

(23) Whether Stratus's Nimbus satisfied a long-felt need in the art.

(24) Whether the petitioner's Trident qualifies as a copy of the Nimbus for purposes of objective indicia of nonobviousness.

(25) Whether Stratus's Nimbus has received praise that qualifies as objective indicia of nonobviousness.

(26) Whether Stratus's Nimbus has been commercially successful.

(27) Whether the commercial success of Nimbus has a nexus to the claimed invention.

(28) Whether Peter Crosby and Dr. Russo were provided all requisite information from each other to form the opinions stated in their declarations.

(29) Whether the petitioner's reply included prohibited new arguments and/or evidence, including, for example, exhibit 1063 (Kalpakjian) and the reply arguments relying on it.

(30) Issues identified in any forthcoming motion to exclude evidence.

(31) Issues identified by the petitioner in its request for oral argument.

(32) Issues identified by the Board.

(33) Any issue arising in any of the other three cases with which the oral argument for this case has been consolidated.

(34) Any claim-construction issues implicated in any of the other issues in this case.

(35) Any other issue related to any one of the issues above.

Respectfully submitted,

Date: 2025 Sept. 26

By: /M.C. Phillips/

Matthew C. Phillips
Reg. No. 43,403
Lead Counsel for Stratus

CERTIFICATE OF SERVICE

I hereby certify that on September 26, 2025, copies of the foregoing REQUEST FOR ORAL ARGUMENT and all documents filed with it were served via electronic mail, as agreed to by counsel, upon the following counsel for the Petitioner:

Christopher Kelly	ckelly@mcciplaw.com
Gregory Carlin	gcarlin@mcciplaw.com
Warren Thomas	wthomas@mcciplaw.com
Lee Hamilton	lhamilton@mcciplaw.com

/ M.C. Phillips /
Matthew C. Phillips
Registration No. 43,403