

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MEDTRONIC, INC., MEDTRONIC VASCULAR, INC.,
and MEDTRONIC COREVALVE, LLC
Petitioner

v.

TROY R. NORRED, M.D.
Patent Owner

Case IPR2014-00110
Patent 6,482,228

PATENT OWNER SUBSTITUTE MOTION TO AMEND
PURSUANT TO 37 C.F.R. § 42.121

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Bortaoltti U, Milano A, Guerra F, et al, <i>Failure of Hancock Pericardial Xenografts: Is Prophylactic Bioprosthetic Replacement Justified?</i> Ann Thorac Surg 1991; 51:430-7.....	13
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I. SUMMARY OF SUBSTITUTE MOTION TO AMEND

Patent Owner Troy R. Norred, M.D. (“Patent Owner”) submits this substitute motion to amend in compliance with 37 C.F.R. § 42.121. In the event that both claims 16 and 19 are deemed unpatentable, Patent Owner requests that claim 25, as presented herein, be substituted for claim 16. If either claim is deemed patentable, then no amendment is requested. One claim (claim 25) is proposed as a substitute for original claim 16. Accordingly, this motion to amend satisfies the general presumption that “only one substitute claim would be needed to replace each challenged claim.” 37 C.F.R. § 42.121(a)(3). Support for the proposed claim from “the original disclosure of the patent” is provided below. *See* 37 C.F.R. §§ 42.121(b)(1)-(2).

II. CLAIM LISTING

Proposed substitute claim is shown below in markup form as compared to the original claim for which it is proposed as a substitute.

25. (Proposed substitute for claim 16) An aortic valve for regulating a blood flow through an aortic channel surrounded by an aortic wall upon percutaneous placement therein, said valve comprising:

a ring member having a pliable circumference adapted to seat about an aortic wall surrounding an aortic channel and seal against a root of a native aortic valve upon percutaneous placement, said ring member including

an aperture for blood flow therethrough;

an expandable stent system extending into the ascending aorta upon said

percutaneous placement therein and connected to said ring member; and

a membrane having first and second spaced-apart open ends, said membrane made of a material resistant to a fluid flow therethrough;

~~means for mounting~~ said first open end of said membrane hingedly secured about said ~~ring~~ aperture of said ring member with said second open end displaced therefrom, ~~said means moving~~ said ~~membrane~~ second open end movable between a first open position to allow a blood flow therethrough and a second closed position to preclude blood flow therethrough;

said aortic valve having a collapsed configuration for delivery inside a catheter,

and an expanded configuration when deployed from said catheter and

percutaneously placed in the aortic channel.

III. DISCUSSION OF PROPOSED CHANGED

Proposed substitute independent claim 25 includes all of the elements of the original independent claim 16, as well as additional elements as shown above. In particular, proposed substitute claim 25 narrows the scope of claim 16 by specifying that the ring member has a “pliable” circumference. Claim 25 narrows the scope of claim 16 by specifying that the ring member “seal[s] against a root of a native aortic

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