

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

Attorney Docket No. 058888-0000014

JOINT MOTION TO ADJUST DUE DATE

Medtronic, Inc., Medtronic Vascular, Inc., and Medtronic CoreValve, LLC (collectively “Petitioner”) and Patent Owner, Troy R. Norred, jointly move the Board to move Due Date 6, currently set as December 22, 2014, to January 19, 2015.

On October 29, 2014, the Board entered a revised schedule in IPR2014-00110 (Paper 28), IPR2014-00111 (Paper 28), and IPR2014-00395 (Paper 20) so that there would be a single oral argument date of January 27, 2015 for all three proceedings. Given time constraints and witness availability for depositions, the parties have agreed, subject to Board approval, to revise Due Dates 4, 5 and 6 of IPR2014-00110 and IPR2014-00111 to coincide with those in IPR2014-00395.

As set forth in the Scheduling Orders for each proceeding, the parties may stipulate to different dates for Due Dates 1 through 5 (earlier or later, but no later than Due Date 6). As such, the parties jointly contacted the Board on October 31, 2014 for guidance on how to align the schedules in the three proceedings such that Due Dates 4, 5 and 6 in IPR2014-00110 and IPR2014-00111 coincide with those in IPR2014-00395. In an email dated October 31, 2014, the Board advised that the parties should file a Notice of Stipulation to reflect the change in Due Dates 4 and 5 to December 31, 2014, and January 9, 2015, respectively. The Board also authorized the parties to file a Joint Motion in IPR2014-00110 and IPR2014-00111 to move Due Date 6 to January 19, 2015.

Under 37 C.F.R. § 42.5(c)(2), a request for an extension of time must be supported by a showing of good cause. Here, the parties seek to increase efficiency and reduce costs by coordinating efforts between the related proceedings. To that end, the parties have sought to align the shared remaining due dates. The requested change to Due Date 6 should not negatively impact the Board’s ability to issue a final determination within the time limits imposed under 35 U.S.C. § 316(a)(11), as the parties have not sought to adjust the oral argument date recently set by the Board. In view of the foregoing, good cause exists to support the parties’ joint request to move Due Date 6 in IPR2014-00110 so that it coincides with Due Date 6 in IPR2014-00395.

Below is a Due Date Appendix, reflecting the remaining Due Dates, which have been updated to reflect stipulated Due Dates 4 and 5, and proposed Due Date 6.

DUE DATE APPENDIX

DUE DATE 3.....	Nov. 24, 2014
Patent owner’s reply to petitioner opposition to motion to amend	
DUE DATE 4.....	Dec. 31, 2014
Motion for observation regarding cross-examination of reply witness	
Motion to exclude evidence	
Request for oral argument	

DUE DATE 5.....Jan. 9, 2014

Patent owner’s response to observation

Opposition to motion to exclude

DUE DATE 6..... Jan. 19, 2015

Reply to opposition to motion to exclude

DUE DATE 7.....Jan. 27, 2015

Oral argument (if requested)

In view of the foregoing, the parties respectfully request that the Board grant the parties’ joint motion, and move Due Date 6 to January 19, 2015.

This paper is being filed by Petitioner with the approval of counsel for Patent Owner.

Respectfully submitted,

Date: November 3, 2014

By: /s/ Jack S. Barufka

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing “JOINT MOTION TO ADJUST DUE DATE” was served electronically through the Patent Trial and Appeal Board’s Patent Review Processing System (PRPS) this 3rd day of November, 2014 on the following counsel for Patent Owner, Troy R. Norred:

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