### 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
Patent Owner

\_\_\_\_\_

Case IPR2014-00395 Patent 6,482,228

\_\_\_\_\_

Attorney Docket No. 058888-0000019

\_\_\_\_\_

CORRECTED PETITION FOR INTER PARTES REVIEW UNDER 37 C.F.R. § 42.100



## **TABLE OF CONTENTS**

I.	MANDATORY NOTICES UNDER 37 C.F.R. § 42.8(a)(1)		
	A.	Real Party-In-Interest Under 37 C.F.R. § 42.8(b)(1)	1
	B.	Related Matters Under 37 C.F.R. § 42.8(b)(2)	1
	C.	Lead and Back-Up Counsel Under 37 C.F.R. § 42.8(b)(3)	1
	D.	Service Information Under 37 C.F.R. § 42.8(b)(4)	2
II.	PAY	MENT OF FEES UNDER 37 C.F.R. § 42.103	2
III.	SUMMARY OF THE '228 PATENT		
	A.	Description of the Alleged Invention of the '228 Patent	3
	B.	Summary of the Prosecution History of the '228 Patent	6
IV.	REQUIREMENTS FOR <i>INTER PARTES</i> REVIEW UNDER 37 C.F.R. §§ 42.104		
	A.	Grounds for Standing Under 37 C.F.R. § 42.104(a)	8
	В.	Identification of Challenge Under 37 C.F.R. § 42.104(b) and Relief Requested	9
	C.	Claims for Which <i>Inter Partes</i> Review Is Requested Under 37 CFR § 42.104(b)(1)	9
	D.	The Specific Art and Statutory Grounds on Which the Challenge Is Based Under 37 C.F.R. § 42.104(b)(2)	9
	E.	How the Challenged Claims Are to Be Construed Under 37 C.F.R. § 42.104(b)(3)	10
		1. "Membrane"	12
		2. "Means for mounting"	
		<ol> <li>"Tissue Valve"</li> <li>"Means for maintaining"</li> </ol>	
	F.	How the Construed Claims Are Unpatentable Under	
	C	37 C.F.R. § 42.104(b)(4)	
<b>T</b> 7	G.	Supporting Evidence Under 37 C.F.R. § 42.104(b)(5)	13
V.	APP	CAILED EXPLANATION OF PERTINENCE AND MANNER OF LYING CITED PRIOR ART TO EVERY CLAIM FOR WHICH VIEW IS REQUESTED UNDER 37 C.F.R. § 42.104(b)(4)	15



	A.	Claims 16 and 19-24 are Anticipated Under 35 U.S.C. §102(b) by US 5,957,949 to Leonhardt et al. (Exh. 1004)	.15
	В.	Claims 16 and 19-24 are Anticipated Under 35 U.S.C. §102(b) by US 5,411,552 to Andersen et al. (Exh. 1005)	17
	C.	Claims 16 and 19-24 are Anticipated Under 35 U.S.C. §102(e) by US 6,458,153 to Bailey (Exh. 1006)	19
	D.	Claims 16 and 19 are Anticipated Under 35 U.S.C. §102(b) by DE Patent Application No. 195 46 692 to Figulla (Exhs. 1007 & 1008).	.22
	E.	Claims 16 and 19 are Anticipated Under 35 U.S.C. §102(b) by US 5,855,597 to Jayaraman (Exh. 1009)	.24
	F.	Claims 16 and 19 are Anticipated Under 35 U.S.C. §102(b) by US 3,657,744 to Ersek (Exh. 1010)	.26
VI	CON	CLUSION	2.7



## Exhibit List for Inter Partes Review of U.S. Patent No. 6,482,228

Exhibit Description	Exhibit No.
U.S. Patent 6,482,228 to Norred	1001
File History for U.S. Patent 6,482,228 to Norred	1002
Patent Owner's Initial Infringement Contentions	1003
U.S. Patent 5,957,949 to Leonhardt et al.	1004
U.S. Patent 5,411,552 to Andersen et al.	1005
U.S. Patent 6,458,153 to Bailey et al.	1006
German Patent App. No. DE 195-46-692 to Figulla et al Application as Filed	1007
Translation of German Patent App. No. DE 195-46-692 to Figulla et al Application as Filed (with a certification from Abraham I. Holczer attesting to the accuracy of the translation)	1008
U.S. Patent 5,855,597 to Jayaraman	1009
U.S. Patent 3,657,744 to Ersek	1010
<ul> <li>Declaration of Felix Harbsmeier with attached exhibits (1-5):</li> <li>Exhibit 1: German Patent No. DE 195-46-692 C2 as granted on November 7, 2002 [also attached at Exh. 1012].</li> <li>Exhibit 2: The complete prosecution history for patent DE 195-46-692 C1 [also attached at Exh. 1013].</li> <li>Exhibit 3: German Patent App. No. DE 195-46-692 as filed on December 14, 1995 [also attached at Exh. 1007, with certified English translation at Exh. 1008].</li> <li>Exhibit 4: German Patent App. No. DE 195-46-692 A1 as published on June 19, 1997 [also attached at Exh. 1014, with certified English translation at Exh. 1015].</li> <li>Exhibit 5: Sections 31 and 32 of the German Patent Act in effect as of June 19, 1997 through November 14, 2000 [also attached at Exh. 1016, with certified English translation at Exh. 1017].</li> </ul>	1011
German Patent No. DE 195-46-692 C2	1012
German Patent No. DE 195-46-692 C1 Prosecution History	1013
German Patent App. No. DE 195-46-692 A1 to Figulla et al.	1014



Exhibit Description	Exhibit No.
Translation of German Patent App. No. DE 195-46-692 A1 to Figulla et al. (with a certification from Abraham I. Holczer attesting to the accuracy of the translation)	1015
Sections 31 and 32 of the German Patent Act in effect as of June 19, 1997 through November 14, 2000	1016
Translation of Sections 31 and 32 of the German Patent Act in effect as of June 19, 1997 through November 14, 2000 (with a certification from Abraham I. Holczer attesting to the accuracy of the translation)	1017
Declaration of Thomas Vassiliades, Jr., M.D. with attached Exhibit 1: Curriculum Vitae of Thomas Vassiliades, Jr., M.D.	1018
Declaration of Russell Hodge with attached Exhibit 1: Curriculum Vitae of Russell Hodge	1019
Declaration of Nicholas Mathews with attached Exhibit 1: Patent Owner's Initial Infringement Contentions (also attached at Exh. 1003)	1020



# DOCKET A L A R M

# Explore Litigation Insights



Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

# **Real-Time Litigation Alerts**



Keep your litigation team up-to-date with **real-time** alerts and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## **Advanced Docket Research**



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## **Analytics At Your Fingertips**



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

### API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

#### **LAW FIRMS**

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

#### **FINANCIAL INSTITUTIONS**

Litigation and bankruptcy checks for companies and debtors.

## **E-DISCOVERY AND LEGAL VENDORS**

Sync your system to PACER to automate legal marketing.

