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IPR2014-00110, Paper No.45, IPR2014-00111, Paper No. 45 and IPR2014-00395, Paper No. 40

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

TROY R. NORRED, M.D.,
Patent Owner.

Cases IPR2014-00110, IPR2014-00111
and IPR2014-00395
Patent 6,482,228

Held: January 27, 2015

BEFORE: MITCHELL G. WEATHERLY, BARRY L. GROSSMAN,
and SHERIDAN SNEDDEN, Administrative Patent Judges.

The above-entitled matter came on for hearing on Tuesday, January 27, 2015, commencing at 2:03 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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P R O C E E D I N G S

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3 JUDGE WEATHERLY: Good afternoon, everyone. This is
4 a trial hearing for IPR2014-00110, IPR2014-00111 and
5 IPR2014-00395 between Petitioner Medtronic, Inc., Medtronic
6 Vascular, Inc. and Medtronic Corevalue, LLC on one side and the
7 owner of U.S. Patent Number 6,482,228, Troy R. Norred, M.D.
8 Just a few administrative matters before we begin. I'm
9 Judge Weatherly and with me are Judge Snedden on my right and
10 Judge Grossman on my left. Please identify -- during your

1 presentation, please identify by number any slides that you're
2 discussing to make our transcript a little easier for us to read and use.

3 As you know per our order, each party has one hour to
4 present their argument. Because Petitioner has the burden to show
5 unpatentability of the original claims, Petitioner will proceed first
6 followed by Patent Owner. Patent Owner may also discuss its
7 motions to amend in its time. Both parties may reserve rebuttal time.
8 However, Patent Owner may only use its time to rebut Petitioner's
9 argument related to the motion to amend or motions to amend, excuse
10 me.

11 Before we begin the argument, Patent Owner may wish to
12 address some of its objections to Petitioner's demonstrative exhibits.
13 If so, the time needed to resolve those objections will count against
14 Patent Owner's one-hour time allotment.

15 At this time we'd like counsel to introduce yourselves and
16 whom you have with you, beginning with the Petitioner, please.

17 MR. FINKEL: Good morning, Your Honor. This is Evan
18 Finkel. I'm from Pillsbury Winthrop on behalf of Petitioner. Sitting
19 at counsel's table is my partner, Jack Barufka. And do you want to
20 know everybody here?

21 JUDGE WEATHERLY: Sure.

22 MR. FINKEL: Chad Hanson from Medtronic and Michael
23 Horikawa from my firm, Sean Edman from Medtronic and David
24 Ruschke from Medtronic.

1 JUDGE WEATHERLY: Thank you. Would you like to
2 reserve time?

3 MR. FINKEL: Yes. We'd like to reserve 25 minutes, Your
4 Honor.

5 JUDGE WEATHERLY: Thank you.
6 Patent Owner, would you like to address -- I'm sorry, Patent
7 Owner, if you wouldn't mind approaching -- approach and introduce
8 who you have with you.

9 MR. KERNELL: Yes, Your Honor. My name is Jim
10 Kernell and with me is David Marcus. We are here on behalf of Dr.
11 Troy Norred.

12 JUDGE WEATHERLY: Thank you. And who do you --
13 are these guests of yours behind you or --

14 MR. KERNELL: We have no guests.

15 JUDGE WEATHERLY: All right. Thank you very much.
16 While I have you up at the podium, would you like to
17 address any objections to Petitioner's demonstrative exhibits before
18 we begin?

19 MR. KERNELL: No, Your Honor.

20 JUDGE WEATHERLY: Thank you.

21 Then I'll call Petitioner to the podium to begin the
22 presentation.

23 MR. FINKEL: Can I ask one administrative question, Your
24 Honor?

25 JUDGE WEATHERLY: Yes.

1 MR. FINKEL: As far as timing, the clock or anything, give
2 me warning or --

3 JUDGE WEATHERLY: I'm going to keep the time myself.
4 We'll use the clock on the wall. So I understand you've reserved 25
5 minutes.

6 MR. FINKEL: That's correct, Your Honor.

7 May it please the Board, we'll be referring directly to the
8 slides that we submitted, so we'll start off with slide 1 presently on the
9 screen. And this just gives you the overview of the instituted grounds
10 that identify the three IPRs and the prior art asserted against each
11 claim in respect to each of the IPRs. So it's a basic slide for your use.

12 I would like to start off with the background of the '228
13 patent. The first slide you'll see, this is actually slide 2. So because
14 the title of the invention is percutaneous aortic valve replacement and
15 you'll see here it's a valve. It's not a stent. The title is directly
16 directed to the fact that it is a valve as the invention.

17 The next slide number 4 says, the '228 patent discloses four
18 valve embodiments, and the purpose of this slide is something to
19 identify the only four embodiments of a valve disclosed in the patent.
20 You'll see the umbrella valve, the cadaver valve, the conical valve and
21 the trihedral valve there on slide 4 and it also gives you the references
22 to the specification where those embodiments are discussed for easy
23 reference.

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