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**Via Electronic Mail**

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**Re: Norred v. Medtronic**

Dear Nick:

As required by ¶ 4.f. of the Scheduling Order entered in the above-referenced matter, the following are Dr. Troy Norred's proposed constructions for each of the terms identified by the parties in their January 17<sup>th</sup> correspondence:

**Claim 16**

- "means for mounting"

The term "means for mounting" falls under 35 U.S.C. § 112 ¶ 6 as a means-plus-function limitation. It refers to a structure where the valve is "secured," "hingedly-secured," "hingedly attached" or "retained" in the ring member, as well as to any and all equivalent structures. *See Norred*, col. 4, ll. 54-61, col. 5, ll. 35-39, col. 6, l. 1 and Figs. 10, 11, 13, 14, 15, 16, 17, 18 & 19.

- "membrane"

The term "membrane" carries its ordinary and accustomed meaning. It means a thin, soft pliable sheet or layer. *See Regents of the University of Minnesota v. AGA Medical Corp.*, 660 F. Supp.2d 1037, 1042-44 (D. Minn. 2009); *Freeman v. Gerber Products Co.*, 357 F. Supp.2d 1290, 1305 (D. Kan. 2005)(citing *Webster's Third New International Dictionary Unabridged* 1408 (1993)). *See also*, *Stedman's Pocket Medical Dictionary* (1987), p. 443-44, membrane – L. membrana. A thin sheet or layer of pliable tissue, serving as a

covering or envelope of a part, the lining of a cavity, as a partition or septum, or to connect two structures.

- “ring member”

The term “ring member” means a ring made of a pliable, biocompatible material that seals against the aorta or over the native aortic valve to reduce perivalvular leaks. See *Norred*, col. 1, ll. 26-51; col. 5, ll. 16-17; col. 6, ll. 1-9.

#### **Claim 19**

- “means for maintaining”

The term “means for maintaining” means the stent system 28 as well as any and all equivalent structures. *Norred*, col. 1, ll. 29-31, 59-67; col. 5, ll. 22-25, 48-51.

#### **Claim 20**

- “means for maintaining”

The term “means for maintaining” means the stent system 28 as well as any and all equivalent structures. *Norred*, col. 1, ll. 29-31, 59-67; col. 5, ll. 22-25, 48-51.

- “interior member”

The term “interior member” means the operable part of the valve, which opens to allow blood to flow through the aortic channel. In a tricuspid valve, as depicted in *Norred*, Fig. 19, it is the part of the valve where the three leaflets intersect. *Norred*, col. 1, ll. 27-51, col. 5, ll. 43-47, Figs. 18 & 19.

- “tissue valve”/“tissue”

The term “tissue valve” carries its ordinary and accustomed meaning. It means a valve made of tissue. The term “valve” means a structure that temporarily stops the flow of fluid or that allows fluid to move in one direction only. See <http://www.merriam-webster.com/dictionary/valve>. The term “tissue” means an aggregate of cells usually of a particular kind together with their intercellular substance that form one of the structure materials of a plant or animal. See <http://www.merriam-webster.com/dictionary/tissue>.

- “ring member”

The term “ring member” means a ring made of a pliable, biocompatible material that seals against the aorta or over the native aortic valve to reduce perivalvular leaks and aortic regurgitation. *See Norred*, col. 1, ll. 26-51; col. 5, ll. 16-17; col. 6, ll. 1-9.

- “responsive to changes of conditions”

The term “responsive to changes of conditions” carries its ordinary and accustomed meaning. The tissue valve interior member responds when conditions within the aorta change, such as when blood pressure increases or decreases. *Norred*, col. 5, ll. 9-14, 43-46, 63-67.

Sincerely,

A handwritten signature in black ink that reads "David L. Marcus". The signature is written in a cursive style with a long horizontal flourish at the end.

David L. Marcus