

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 IPR2014-00395
Patent 6,482,228 B1

Before SHERIDAN K. SNEDDEN, BARRY L. GROSSMAN, and
MITCHELL G. WEATHERLY, *Administrative Patent Judges*.

WEATHERLY, *Administrative Patent Judge*.

INITIAL CONFERENCE SUMMARY
Conduct of the Proceeding
37 C.F.R. § 42.5

The initial conference call for this case was held on July 28, 2014.
Neither party filed a list of proposed motions. The following matters were
discussed during the call.

A. Scheduling Order

Neither party expressed concerns about the schedule or proposed
changes.

B. Related Cases

The parties indicated that the related litigation in the U.S. District Court for the District of Kansas is stayed pending the outcome of this proceeding and the related proceedings in IPR2014-00110 and IPR2014-00111. We reminded the parties to advise the Board of any changes in the status of the litigation and to notify the Board of any new proceedings involving the patent at issue in this proceeding.

C. Proposed Motions

We advised the parties that reserving the right to seek authorization for filing motions is unnecessary. Rather, the parties may seek authorization for motions as needs arise.

D. Discovery

The parties represented that currently no discovery disputes exist. We advised the parties to seek guidance from us should any disputes arise but that the parties should focus efforts on cooperating with each other to generate as full a record as possible to enable a decision on the merits.

E. Protective Order

We reminded the parties that a protective order does not exist in a case until one is filed in the case and is approved by the Board. If a motion to seal is filed by either party, the proposed protective order should be presented as an exhibit to the motion. We encourage the parties to adopt the Board's default protective order if they conclude that a protective order is necessary. *See* Default Protective Order, Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, App. B (Aug. 14, 2012). If the parties choose to propose a protective order deviating from the default protective order, they must submit the proposed protective order jointly along with a marked-up

comparison of the proposed and default protective orders showing the differences.

We emphasized that redactions to documents filed in this proceeding should be limited strictly to isolated passages consisting entirely of confidential information, and that the thrust of the underlying argument or evidence must be clearly discernible from the redacted versions. We also reminded the parties that information subject to a protective order will become public if identified in a final written decision in this proceeding, and that a motion to expunge the information will not necessarily prevail over the public interest in maintaining a complete and understandable file history. *See Office Patent Trial Practice Guide*, 77 Fed. Reg. at 48,761.

F. Motions to Amend

Patent Owner indicated it is considering filing a motion to amend. We reminded Patent Owner that the sufficiency of motions to amend may be adjudged according to the principles set forth in *Idle Free Systems, Inc. v. Bergstrom, Inc.*, IPR2012-00027 (Paper 26). We also reminded Petitioner that it may come forth with new evidence to meet the substance of any substitute claim that Patent Owner proposes in a motion to amend.

Case IPR2014-00395

Patent 6,482,228 B1

PETITIONER:

Jack Barufka

Evan Finkel

PILLSBURY WINTHROP SHAW PITTMAN LLP

jack.barufka@pillsburylaw.com

evan.finkel@pillsburylaw.com

PATENT OWNER:

James J. Kernell

ERICKSON KERNELL DERUSSEAU & KLEYPAS, LLC

jjk@kcpatentlaw.com

David L. Marcus

BARTLE & MARCUS LLC

dmarcus@bmlawkc.com