

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

---

Attorney Docket No. 058888-0000019

---

**PETITIONER'S OPPOSITION TO  
PATENT OWNER'S MOTION TO AMEND**

## TABLE OF CONTENTS

I.	INTRODUCTION .....	1
II.	THE AMENDMENTS ENLARGE THE SCOPE OF THE CLAIMS AND DO NOT RESPOND TO GROUNDS FOR UNPATENTABILITY .....	1
A.	The Relevant Embodiments .....	2
B.	Proper Construction of the Means-Plus-Function Limitations .....	3
C.	Removing the Means Language Broadens the Scope of the Claims and Does Not Respond to Grounds Of Unpatentability .....	6
III.	THE MOTION SHOULD BE DENIED BECAUSE NORRED FAILS TO PROVIDE CLAIM CONSTRUCTIONS FOR NEW TERMS .....	8
IV.	THE MOTION SHOULD BE DENIED BECAUSE NORRED FAILED TO SHOW SUPPORT FOR THE SUBSTITUTE CLAIM .....	9
V.	THE MOTION SHOULD BE DENIED BECAUSE NORRED FAILED TO SHOW THE SUBSTITUTE CLAIMS ARE PATENTABLE .....	11
VI.	CONCLUSION.....	15

## EXHIBIT LIST

Exhibit Description	Exhibit No.
U.S. Patent 5,469,868 to Reger	1021
U.S. Patent 6,245,101 to Drasler et al.	1022
Transcript of October 7, 2014 Deposition of Timothy Titus Catchings, M.D.	1023
Transcript of October 8, 2014 Deposition of Troy R. Norred, M.D.	1024
Transcript of October 9, 2014 Deposition of James J. Kernell	1025
Expert Declaration of Alexander J. Hill, PhD	1026
“Anatomy of the aortic root: implications for valve-sparing surgery”, by Efstratios I. Charitos, Hans-Hinrich Sievers, Department of Cardiac and Thoracic Vascular Surgery, University of Lübeck, Lübeck, Germany, published in the Annals of Cardiothoracic Surgery, Vol. 2, No 1., pages 53-56 (January 2013)	1027
Corrected Petition (Paper 4) in IPR2014-00111	1028
German Patent App. No. DE 198-57-887 A1 to Fraunhofer Corporation (This is Exhibit 1007 in IPR2014-00111)	1029
Translation of German Patent App. No. DE 198-57-887 A1 to Fraunhofer Corporation (with a certification from Abraham I. Holczer attesting to the accuracy of the translation) (This is Exhibit 1008 in IPR2014-00111) (This is also Patent Owner Exhibit 2327)	1030
Decision Instituting Inter Partes Review in IPR2014-00111 (Paper 10)	1031

## TABLE OF AUTHORITIES

### Cases

<i>Athena Automation Ltd. v. Husky Injection Molding Sys. Ltd.</i> , IPR2013-00167, Paper 51 (July 23, 2014).....	11
<i>BAE Sys. Info. and Elec. Sys. Integration, Inc. v. Cheetah Omni, LLC</i> , IPR2013-00175, Paper 45 (June 19, 2014).....	12
<i>Beckson Marine, Inc. v. NFM, Inc.</i> , 144 Fed. Appx. 862 (Fed. Cir. 2005).....	5
<i>Blackberry Corp. v. Mobilemedia Ideas LLC</i> , IPR2013-00016, Paper 32 (Feb. 25, 2014).....	7
<i>Google Inc. v. Jongerius Panoramic Techs., LLC</i> , IPR2013-00191, Paper 70 (Aug. 12, 2014).....	12
<i>Idle Free Sys., Inc. v. Bergstrom, Inc.</i> , IPR2012-00027, Paper No. 66 (Jan. 7, 2014).....	11
<i>Idle Free Sys., Inc. v. Bergstrom, Inc.</i> , IPR2012-00027, Paper 26 (June 11, 2013).....	1, 8
<i>In re Bigio</i> , 381 F.3d 1320 (Fed. Cir. 2004).....	15
<i>In re Donaldson Co., Inc.</i> , 16 F.3d 1189 (Fed. Cir. 1994).....	4, 5
<i>Invensense, Inc. v. STMicroelectronics, Inc.</i> , IPR2013-00241, Paper 21 at 4 (Jan. 9, 2014).....	9
<i>Laitram Corp. v. Rexnord, Inc.</i> , 939 F.2d 1533, 1538 (Fed. Cir. 1991).....	4
<i>Toyota Motor Corp. v. American Vehicular Sci. LLC</i> , IPR2013-00419, Paper 32 (Mar. 7, 2014).....	8
<i>Tronzo v. Biomet, Inc.</i> , 156 F.3d 1154 (Fed. Cir. 1998).....	10

Statutes and Codes

United States Code  
Title 35, Section 112 .....5

Rules and Regulations

Code of Federal Regulations  
Title 37, Section 42.121(a)(2) .....1

Code of Federal Regulations  
Title 37, Section 42.121(a)(2)(i) .....1, 8

Code of Federal Regulations  
Title 37, Section 42.121(b)(1) .....9

Code of Federal Regulations  
Title 37, Section 42.20(c) .....11

# 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.