Filing Date: April 6, 2012
Title: SYSTEMS AND METHODS FOR SPINAL FUSION

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DECLARATION OF STEVEN D. DERIDDER REGARDING U.S. PATENT APPLICATION PUBLICATION NO. 2002/0165550

variety of companies. I have also attended a number of engineering courses stressing proper manufacturing practices, Geometric Dimensioning & Tolerancing, Total Quality Management, and Project management.

2. My expertise and knowledge in Geometric Dimensioning & Tolerancing led, in 1993, to an invitation to participate in the review and draft for the next release of the ANSI Y14.5 standard. In my critique, I submitted 30 comments/corrections and was present at the Y14.5 committee meeting when 15 of those were adopted into the new standard; the other 15 were deferred for further review and possible incorporation at a later date.

3. For three different companies, I have prepared materials and given lectures and/or taught classes on the disciplines of Proper Drawing Practices, CAD modeling and drawing, Geometric Dimensioning & Tolerancing, and The Use and Interpretation of ANSI Weld Symbols. As part of my current job description and responsibility, I continue to mentor young designers and engineers in the art of design along with other engineering related disciplines.

4. I am currently a senior principal design technician for Medtronic Spine & Biologics, where I have worked for more than fifteen years. My

Corporation. I am currently named as inventor on 27 United States patents, all within the medical industry, twelve of them related to spinal fusion implants.

5. I have been asked to provide my opinions and views on the materials I have reviewed in this *Inter Partes* Review ("IPR") related to U.S. Patent No. 8,361,156 (the "'156 patent"), and the scientific and technical knowledge regarding the same subject matter. I have been asked to consider what one of ordinary skill in the art would have understood from the prior art to the '334 patent, specifically U.S. Patent Application Publication No. 2002/0165550 to Frey ("Frey").

6. My opinion is guided by the fact that I am a named inventor of the invention described in Frey, as well as my appreciation of how a person of ordinary skill in the art would have understood the disclosure of Frey, including the Figures contained therein at the time of the publication of Frey on November 7, 2002.

7. Based on my expertise, my experience conceiving and reducing to practice the invention disclosed in Frey, and my knowledge of the commercial embodiments of the spinal fusion implant described in Frey, it is my opinion that one of ordinary skill in the art would understand that at least Figures 47, 55, 59, 63,

8. Additionally, I know as a matter of fact, as a named inventor in Frey, that Figures 47, 55, 59, 63, 64, and 66 are indeed drawn to scale to represent one or more embodiments of the spinal fusion implant inventions described in that patent application.

9. Further, Figures 47, 55, 59, 63, 64, and 66 are identical to the engineering drawings of the implants that these Figures were derived from for the purposes of including them in Frey. These engineering drawings were, by definition, drawn to scale, hence Figures 47, 55, 59, 63, 64, and 66 are as well.

10. The curvatures of the opposing sidewalls located in the middle portion of the implant, as depicted in Figure 63, are generally similar. As a result, the maximum lateral width of the implant, as measured from one sidewall to the other sidewall along a plane that is perpendicular to the length of the implant, is found at the exact center of the middle portion of the implant, including the medial plane of the implant. This maximum lateral width of the implant is also found along its middle portion where the curves of the opposing sidewalls remain generally similar as shown below in a true and accurate reproduction of Figure 63 below.

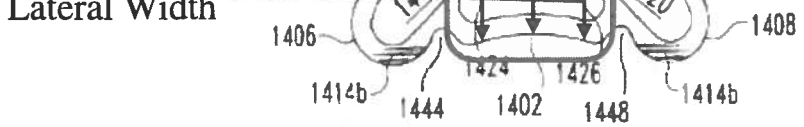

Fig. 63

11. As described in our Frey application, we positioned the maximum lateral width of the implant in its middle portion to allow the implant to better fill the disc space, thereby providing optimal load support capacity and helping to prevent implant subsidence. *See* Frey, at ¶ [0149].

12. Although I am an employee of the Petitioner, no part of my compensation is dependent on the outcome of this proceeding and I have no other interest in this proceeding.

13. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of the Title 18 of the United States Code.

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