

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

_____)	
VASCULAR SOLUTIONS, INC.,)	
)	0:13-cv-01172-JRT-SER
Plaintiff,)	
)	
v.)	
)	JOINT CLAIM CONSTRUCTION
BOSTON SCIENTIFIC CORPORATION,)	STATEMENT
)	
Defendant.)	
_____)	
BOSTON SCIENTIFIC CORPORATION)	
and BOSTON SCIENTIFIC SCIMED, INC.,)	
)	
Counter-Plaintiffs,)	
)	
v.)	
)	
VASCULAR SOLUTIONS, INC.,)	
)	
Counter-Defendant.)	
_____)	

PLEASE TAKE NOTICE that the parties to this action, Plaintiff and Counterclaim-Defendant Vascular Solutions, Inc. (“VSI”), and Defendant and Counter-Claimants Boston Scientific Corporation and Boston Scientific Scimed, Inc. (collectively “BSC”) hereby serve their Joint Claim Construction Statement. Pursuant to the Scheduling Order, set forth in the attached exhibits regarding VSI’s Root Patents (Exhibit A), and BSC’s Adams patent (Exhibit B), are the claim terms (and their corresponding claims) that the Parties have identified as in dispute and which require construction by the Court, and further contains each Party’s proposed construction for the disputed claim terms, along with an identification of all

references from the specification and prosecution history to support that construction and any extrinsic evidence known to the Party on which it intends to rely either in support of its proposed construction or to oppose the other Party's proposed construction.

The parties were unable to reach agreement on the construction of any claim term, phrase, or clause proposed for construction by the Court. While all parties believe a claim construction hearing is necessary, no party intends to call witnesses to provide live testimony, unless the Court believes such testimony would be of assistance.

BY:

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Dated: February 21, 2014.

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Boston Scientific Scimed, Inc.**

EXHIBIT A

U.S. Patent Nos. 8,048,032 (“032 patent”); 8,142,413 (“413 Patent”); 8,292,850 (“850 Patent”) (collectively, the “VSI Patents”):

I. The Parties’ Constructions of Disputed Claim Terms in VSI Patents:

Disputed Claim Terms	Appears in Claims	VSI’s Proposed Construction	BSC’s Proposed Construction
"a substantially rigid portion ... defining a rail structure without a lumen" / "a substantially rigid portion ... defining a structure without a lumen"	'032 patent cls. 1, 11 '850 patent cl. 1 '413 patent cl. 1 '850 patent cl. 12	The phrase “without a lumen” modifies the “rail structure” or “structure,” not the “substantially rigid portion” in these claim limitations, and the substantially rigid portion and rail structure are not coextensive.	BSC proposes that no construction is necessary for the claim term “defining” within the claim phrases “a substantially rigid portion ... defining a rail structure without a lumen” and “a substantially rigid portion ... defining a structure without a lumen.” It should be construed in accordance with its plain and ordinary meaning, which is ‘coextensive with and describes the exact boundaries of’

a. VSI’s Supporting Intrinsic and Extrinsic Evidence

VSI proposes that the phrase “without a lumen” modifies the “rail structure” or “structure,” not the “substantially rigid portion” in these claim limitations, and the substantially rigid portion and rail structure are not coextensive.

i. Intrinsic Evidence:

In support of VSI’s construction, VSI reserves the right to rely upon the entire intrinsic record to establish the meaning of the claim limitations in the context of the

patented invention. VSI also reserves the right to rely on BSC's proposed intrinsic evidence. The specific intrinsic evidence on which VSI may rely includes, but is not limited to:

The claims of VSI's patents, including but not limited to:

- '032 patent, claims 1, 11
- '032 patent, claim 9 ("substantially rigid portion includes from distal to proximal direction, a cross-sectional shape having a full circumference portion, a hemi-cylindrical portion and an arcuate portion").
- '032 patent, claim 13 ("the substantially rigid portion further includes a partially cylindrical portion defining an opening extending for a distance along a side thereof defined transverse to a longitudinal axis that is adapted to receive an interventional cardiology device passed through continuous lumen of the guide catheter . . .").
- '032 patent, claim 18 ("substantially rigid portion includes, starting at a from distal to proximal direction, a cross-sectional shape having a full circumference portion, a hemicylindrical portion and an arcuate portion").
- '413 patent, claim 1
- '413 patent, claim 4 ("selecting the substantially rigid portion of the coaxial guide catheter such that it comprises a cylindrical portion and a partially cylindrical portion defining an opening along a side thereof").
- '413 patent, claim 14 ("further comprising extending the interventional cardiology device through the substantially rigid portion from proximal to distal through a cross-sectional shape having an arcuate portion, a hemicylindrical portion and a full circumference portion").
- '850 patent, claims 1, 12
- '850 patent, claim 9 ("substantially rigid portion includes from distal to proximal direction, a cross-sectional shape having a full circumference portion, a hemicylindrical portion and an arcuate portion").
- '850 patent, claim 14 ("substantially rigid portion further includes a partially cylindrical portion defining an opening extending for a distance along a side thereof defined transverse to a longitudinal axis that is adapted

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