

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZIMMER HOLDINGS, INC.
ZIMMER, INC.
Petitioners

v.

BONUTTI SKELETAL INNOVATIONS LLC
Patent Owner

Patent No. 7,837,736
Filing Date: October 30, 2007
Issue Date: November 23, 2010
Title: MINIMALLY INVASIVE SURGICAL SYSTEMS AND METHODS

Inter Partes Review No. Unassigned

**PETITION FOR *INTER PARTES* REVIEW
UNDER 35 U.S.C. §§ 311-319 AND 37 C.F.R. § 42.100 *ET SEQ.***

TABLE OF CONTENTS

	<u>Page</u>
I. NOTICES AND FORMALITIES	2
A. Real Parties In Interest	2
B. Related Matters.....	2
C. Lead and Back-Up Counsel.....	3
D. Service Information	4
E. Grounds for Standing	4
F. Power of Attorney	4
G. Fees.....	5
II. STATEMENT OF THE PRECISE RELIEF REQUESTED	5
III. OVERVIEW OF KNEE ANATOMY AND KNEE REPLACEMENT	6
A. Knee Anatomy.....	6
B. Knee Replacement Surgery.....	8
IV. OVERVIEW OF THE BONUTTI PATENT	10
A. The Claimed Invention.....	10
B. The Prosecution History.....	16
C. Priority Date of the Bonutti Patent.....	17
V. OVERVIEW OF THE PRIOR ART RELIED UPON FOR THE CHALLENGE	18
A. The Walker Patent.....	18
B. The Buechel Patent.....	21
VI. CLAIM CONSTRUCTION AND LEGAL STANDARDS	23

Inter Partes Review No. Unassigned

Petition For *Inter Partes* Review of U.S. Patent 7,837,736; filed: June 30, 2014

A.	Construction of Certain Claim Terms	23
B.	Threshold Requirement for <i>Inter Partes</i> Review.....	25
VII.	STATEMENT OF REASONS FOR RELIEF REQUESTED	26
A.	Ground 1: Claim 25 is Unpatentable as Being Anticipated by the Walker Patent	26
B.	Ground 2: Claims 23-25 are Unpatentable as Being Obvious Over the Walker Patent in View of the Buechel U.S. Patent.....	30
VIII.	CONCLUSION.....	34

TABLE OF AUTHORITIES

Statutes

35 U.S.C. § 102.....passim
35 U.S.C. § 103.....passim
35 U.S.C. §§ 311-319.....1
35 U.S.C. § 315(b) and (c)4

Rules

37 C.F.R. § 42.100 *et seq.*.....1
37 C.F.R. § 42.100(b)23
37 C.F.R. § 42.122(b)4

Cases

KSR International Co. v. Teleflex Inc., 550 U.S. 398, 127 S.Ct. 1727
(2007)32

LIST OF EXHIBITS

- Exhibit 1001: Bonutti U.S. Patent 7,837,736 (“Bonutti patent”)
- Exhibit 1002: Walker et al. U.S. Patent 5,755,801 (“Walker patent”)
- Exhibit 1003: Reserved
- Exhibit 1004: Reserved
- Exhibit 1005: Copy of Declaration of Arthur G. Erdman, Ph.D. from instituted IPR2014-00191 (“Erdman Decl.”)
- Exhibit 1006: Bonutti patent file history section - Response To Office Action, filed June 18, 2010
- Exhibit 1007: Reserved
- Exhibit 1008: Reserved
- Exhibit 1009: Reserved
- Exhibit 1010: Reserved
- Exhibit 1011: Decision instituting *inter partes* review in IPR2014-00191 (“Decision”)
- Exhibit 1012: Buechel et al. U.S. Patent 4,340,978 (“Buechel patent”)
- Exhibit 1013: Second Declaration of Arthur G. Erdman, Ph.D. (“2nd Erdman Decl.”)
- Exhibit 1014: Hood et al. U.S. Patent 5,370,699 (“Hood patent”)
- Exhibit 1015: Bahler U.S. Patent 5,282,868 (“Bahler patent”)
- Exhibit 1016: Opening Brief in Support of Defendants’ Joint Motion to Stay Litigation Pending *Inter Partes* Review filed in *Bonutti Skeletal Innovations LLC v. Zimmer Holdings, Inc. & Zimmer, Inc.*, No. 1:12-cv-01107-GMS, Dkt. No. 36 (Jan. 22, 2014 D. Del.)

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.