

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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C.R. BARD, INC.  
Petitioner

v.

INNOVATIVE MEDICAL DEVICES, LLC,  
MEDICAL COMPONENTS, INC.  
Patent Owners

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Case IPR \_\_\_\_\_  
U.S. Patent No. 8,257,325  
Issue Date: September 4, 2012

Title: VENOUS ACCESS PORT WITH MOLDED  
AND/OR RADIOPAQUE INDICIA

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**DECLARATION OF DAVID P. BLABER**

I, David P. Blaber, declare as follows:

1. I have been employed by the Marketing Department of Bard Access Systems, a division of C.R. Bard (“Bard”), since 1987.

2. From 1987 to 1999, I was employed as a Territory Manager; from 1999 to 2001, I was employed as a District Manager; and from 2001 to 2003, I was employed as a Regional Manager.

3. From 2003 to present, I have been employed as Senior Vice President of Sales at Bard, and in 2014, my title was changed to include marketing. My duties presently include full responsibility for the Marketing Department.

4. I have been asked about the brochure: PORTS – Bard Access Systems, 2003 (“the PORTS Brochure”)(attached to this Declaration as Attachment A, marked as Exhibit 1002).

5. I have also been asked about the chart: Hickman<sup>®</sup> Subcutaneous Ports & Hickman<sup>®</sup>/Broviac<sup>®</sup> Catheters (“HICKMAN”)(attached to this Declaration as Attachment B, marked as Exhibit 1017).

6. I have reviewed the PORTS Brochure and HICKMAN chart and understand that these documents are being relied upon by Bard in an *Inter Partes* Review proceeding before the U.S. Patent and Trademark Office.

7. A standard practice relating to the marketing of access ports at Bard is to mark documents intended to be publicly distributed with a copyright date indicating the year they were first printed and publicly available.

**The PORTS Brochure (Exhibit 1002)**

8. The PORTS Brochure is a brochure showing ports offered by Bard.
9. The PORTS Brochure is marked with a copyright date of 2003.
10. The PORTS Brochure was printed in March 2003.
11. Beginning in 2003 and for several following years, the PORTS Brochure was freely available and publicly disseminated by the salesforce to persons involved with access port technology.
12. The PORTS Brochure was one of the lead brochures relating to ports distributed by Bard sales representatives.
13. Based upon my personal knowledge and experience at Bard, the PORTS Brochure was freely available and publicly disseminated by the salesforce to persons involved with access port technology starting in 2003.
14. The PORTS Brochure was also freely distributed by Bard at various professional meetings.
15. For example, I attended the ACS (American College of Surgeons) meeting in New Orleans in 2004 and another ACS meeting in San Francisco in 2005.

Bard maintained a booth at both of these meetings where the PORTS Brochure was given out to attendees.

16. I also attended the ONS (Oncology Nursing Society) meeting in Orlando, Florida in 2005. Bard maintained a booth at this meeting where the PORTS Brochure was given out to attendees.

17. I also attended the Annual SIR (Society of Interventional Radiology) meeting in New Orleans in 2005. Bard maintained a booth at this meeting where the PORTS Brochure was given out to attendees.

18. The PORTS Brochure was also publicly available in pdf format from the Bard website by no later than March 2006.

**HICKMAN (Exhibit 1017)**

19. HICKMAN is a chart that was distributed by Bard relating to ports and catheters.

20. HICKMAN is marked with a copyright date of 1992.

21. In August of 1992, Bard ordered 10,000 copies of HICKMAN.

22. HICKMAN was freely available and publicly disseminated by the salesforce to persons involved with access port technology beginning in 1992.

I declare that all statements made herein of my knowledge are true, and that all statements made on information and belief are believed to be true, and 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 Title 18 of the United States Code.

7-22-15

Date

  
David P. Blaber

David P. Blaber

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