

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

ENDOLOGIX, INC.  
Petitioner,

v.

LIFEPOR T SCIENCES LLC,  
Patent Owner.

---

Case IPR2015-01722  
Patent 8,192,482 B2

---

Before JOSIAH C. COCKS, JAMES B. ARPIN, and  
MICHAEL L. WOODS, *Administrative Patent Judges*.

COCKS, *Administrative Patent Judge*.

DECISION  
Institution of *Inter Partes* Review  
37 C.F.R. § 42.108

## I. INTRODUCTION

Endologix, Inc. (“Petitioner”) filed a Petition (Paper 1, “Pet.”) requesting *inter partes* review of claims 1–9, 12, 13, 21, 22, and 30 of U.S. Patent No. 8,192,482 B2 (Ex. 1001, “the ’482 patent”). LifePort Sciences LLC (“Patent Owner”) did not file a Preliminary Response. We have jurisdiction under 35 U.S.C. § 314.

To institute an *inter partes* review, we must determine that the information presented in the Petition shows “a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a). For the reasons set forth below, we conclude that the information presented in the Petition establishes a reasonable likelihood that Petitioner will prevail in showing that claims 1–9, 12, 13, 21, 22, and 30 of the ’482 patent are unpatentable. Pursuant to 35 U.S.C. § 314, we hereby institute an *inter partes* review as to claims 1–9, 12, 13, 21, 22, and 30.

Our factual findings and conclusions at this stage of the proceeding are based on the evidentiary record developed thus far. This is not a final decision as to patentability of the claims for which *inter partes* review is instituted. Our final decision will be based on the entire record, as developed during trial.

### A. *Related Matters*

The ’482 patent is the subject of litigation styled *LifePort Sciences LLC v. Endologix, Inc.*, D. Del. No. 12-cv-1791. Pet. 1; Paper 6, 2.

*B. The '482 Patent (Ex. 1001)*

The '482 patent is titled “Endoluminal Stent.” Ex. 1001, Title. The invention is described as providing “a stent connecting means for connecting two intraluminal stents one to the other to define a continuous lumen through the two stents.” *Id.* at 2:21–24. According to the '482 patent, prior art stents and prostheses are “generally satisfactory for the treatment of aneurysms, stenosis and other angeological diseases at sites in continuous un-bifurcated portions of arteries or veins.” *Id.* at 1:60–63. The '482 patent, however, proceeds to discount the known stents and prostheses as “not wholly satisfactory” in situations “where the site of desired application of the stent or prosthesis is juxtaposed or extends across a bifurcation in an artery or vein such, for example, as the bifurcation in the mammalian aortic artery into the common iliac arteries.” *Id.* at 1:64–2:1.

Figures 1A and 4A of the '482 patent are reproduced below.

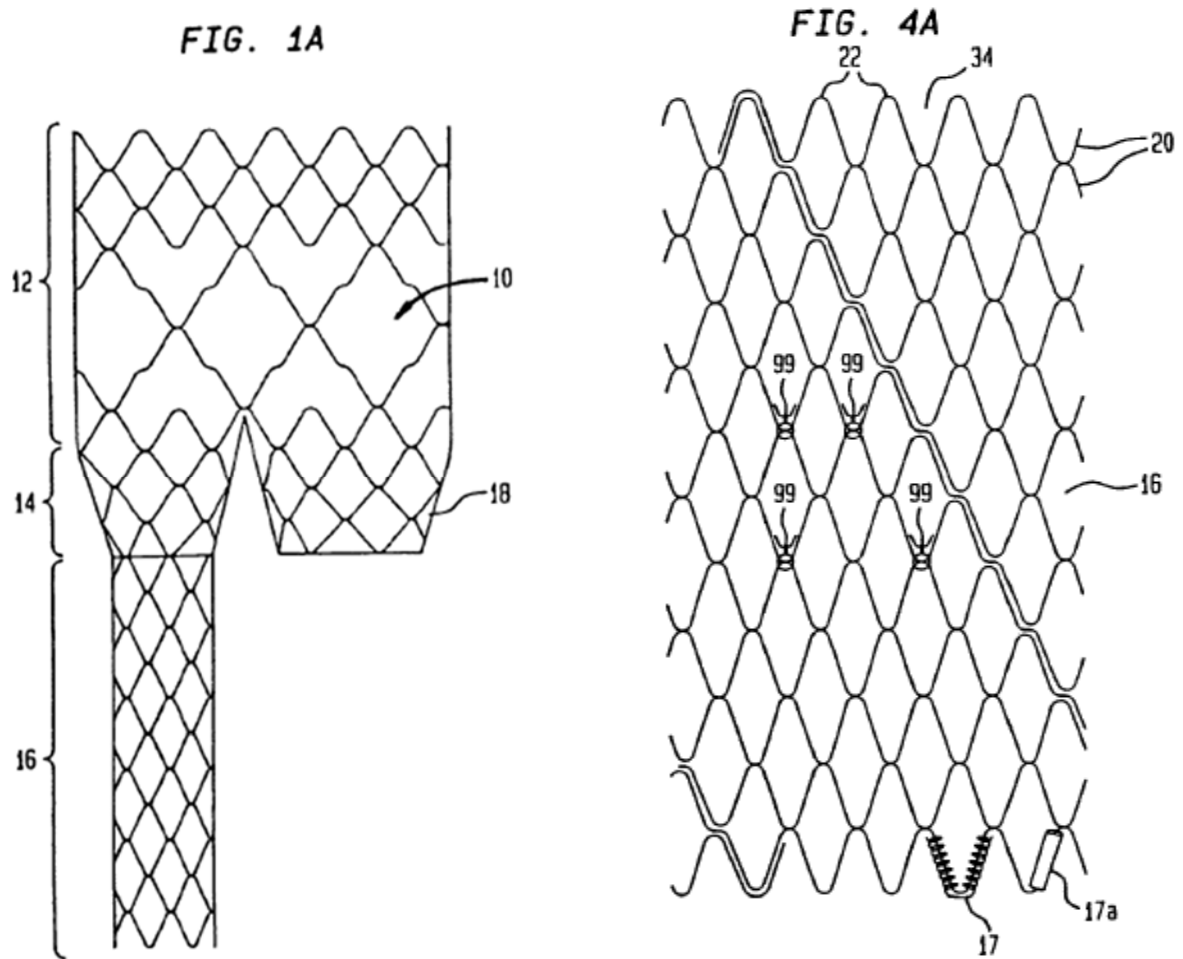


Figure 1A depicts “a front view of a bifurcated intraluminal stent in accordance with the present invention constituting part of an endoluminal prosthesis.” Ex. 1001, 7:33–35. Figure 4A depicts a side view of a “part of the bifurcated stent of FIG. 1a opened up to show its construction.” *Id.* at 7:44–45. As depicted in Figure 1A, bifurcated stent 10 is composed of a wire skeleton that is constructed of four separate parts: proximal part 12, frustoconical part 14, first distal part 16, and second frustoconical part 18. *Id.* at 8:33–35. As depicted in Figure 4A, the stent includes hoops 20 formed of nitinol wire that “follows a sinuous path to define a plurality of

circumferentially spaced apices 22.” *Id.* at 8:51–55. The ’482 patent also explains that “juxtaposed apices 22 of neighboring hoops 20 are secured together by securing means 99.” *Id.* at 9:22–25.

### *C. Illustrative Claims*

Claims 1 and 30 are independent. Claims 2–9, 12, 13, 21, and 22 ultimately depend from claim 1. Claims 1 and 30 are illustrative of the claimed subject matter, and are reproduced below:

1. A stent comprising:

a plurality of hoops aligned along a common axis, each of said hoops being non-helical and oriented in a plane substantially perpendicular to the longitudinal axis of the stent, and each of said hoops including a plurality of elongate elements joined to one another and forming apices that point in a direction along the longitudinal axis of the stent, and wherein at least one elongate element in each hoop is a continuation of an elongate element of an adjacent hoop; and

means for securing an apex of one hoop to an abutting a juxtaposed apex of a neighboring hoop.

30. A stent comprising a tubular member having a plurality of hoops aligned adjacent one another along the longitudinal axis of said tubular member, each of said hoops comprising a plurality of elongate elements, with pairs of said elongate elements meeting one another and forming vertices axially pointing in a direction along the longitudinal axis of the stent, wherein at least some of said vertices axially abut and are individually connected to oppositely pointed vertices of elongate elements of an adjacent hoop, wherein the vertices of each hoop pointed in the axial direction lie in a common plane perpendicular to the longitudinal axis of the tubular member, and wherein at least one elongate element in each hoop is a continuation of an elongate element of an adjacent hoop.

# 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.