

UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE UNITED STATES PATENT TRIAL AND APPEAL BOARD

ENDOLOGIX, INC.
Petitioner

v.

LIFEPOR SCIENCES LLC
Patent Owner

CASE IPR: 2015-01722
U.S. PATENT NO. 8,192,482

DECLARATION OF RICHARD A. HILLSTEAD, PH.D

I, Richard A. Hillstead, Ph.D, do hereby declare and say:

1. I am over the age of twenty-one (21) and competent to make this declaration. I am also qualified to give testimony under oath. The facts and opinions listed below are within my personal knowledge.

2. I am being compensated for my time in this proceeding at my standard consulting rate of \$500.00/hr. My compensation in no way depends on the outcome of this proceeding or the content of my opinions. I am not employed by, nor receiving grant support from, Endologix, Inc., which I refer to as “Endologix”, or any of its related companies. I am receiving compensation from Endologix solely for my involvement in this matter and based only on my standard hourly consulting fees.

3. I have been asked to review certain documents, including U.S. Patent No. 8,192,482 and its prosecution history (which I refer to as the ‘482 Patent) (Ex. 1001), and to provide my opinions on what those documents disclose. The other documents I was asked to review include those addressed in more detail in the rest of this declaration.

4. Of particular relevance to the ‘482 Patent, I have reviewed and am familiar with the following documents:

- a. U.S. Patent No. 8,317,854 to Ryan et al. which is marked as Ex. 1004. I refer to this document as the Ryan Patent.

b. U.S. Patent No. 5,405,377 to Cragg, which is marked as Ex. 1005. I refer to this document as the Cragg Patent.

c. U.S. Patent No. 5,064,435 to Porter, which is marked as Ex. 1006. I refer to this document as the Porter Patent.

d. U.S. Patent No. 4,994,071 to MacGregor, which is marked as Ex. 1007. I refer to this document as the MacGregor Patent.

e. U.S. Patent No. 5,135,536 to Hillstead, which is marked as Ex. 1008. I refer to this document as the Hillstead Patent.

f. U.S. Patent No. 4,733,665 to Palmaz, which is marked as Ex. 1009. I refer to this document as the Palmaz Patent.

g. U.S. Patent No. 5,370,683 to Fontaine, which is marked as Ex. 1010. I refer to this document as the Fontaine Patent.

h. U.S. Patent No. 5,707,386 to Schnepf-Pesch et al., which is marked as Ex. 1011. I refer to this document as the Schnepf-Pesch Patent.

i. U.S. Patent No. 5,421,955 to Lau et al., which is marked as Ex. 1012. I refer to this document as the Lau Patent.

j. The Prosecution History of U.S. Patent No. 8,192,482.

5. I provide my conclusions regarding the disclosures of the documents I reviewed as applied to the '482 Patent below.

6. I was also asked to provide my opinion on the technical feasibility of combining certain aspects of certain documents. I have offered my opinion on the feasibility of these combinations in this declaration. I have also offered my opinions about what a person of ordinary skill in the art would understand about certain aspects of the resulting combinations of documents.

7. I am not offering any conclusions as to the ultimate determinations I understand the Patent Trial and Appeals Board will make in this proceeding. Specifically, I am not offering opinions on ultimate issues of validity or claim construction. I am simply providing my opinion on the technical aspects of the documents and on the combinability of the concepts disclosed in those documents from a technical perspective.

BACKGROUND

8. A copy of my *curriculum vitae* is attached to this declaration as Ex. 1003.

9. I hold an M.B.A. and B.S. from Nova Southeastern University and a Ph.D. in Business Administration from Southwest University. I am a Fellow of the American Heart Association (FAHA) on the Council of Clinical Cardiology and the Council on Lifestyle and Cardiometabolic Health .

10. Since approximately the mid-1980's, I have been actively involved in the design and development of medical devices, including stent technologies.

11. From 1987 to 1993, I held several progressive, product research and development positions with Cordis Corporation, a division of Johnson & Johnson, which is known as a leader in the development and manufacture of stent technologies. From 1988 through 1990 I was a Senior Research Engineer in the Corporate Research Stent Program.

12. From 1993 to 1999 I was employed by Novoste Corporation, a company focused on developing treatment for coronary and vascular diseases and restenosis. I directed new technology and intravascular catheter development for Novoste from 1993 to 1999 and in that position worked closely with stents and stent technologies.

13. Although not a medical doctor, I have personally “scrubbed in” and actively participated in more than one hundred coronary interventions including coronary stenting in various animal models.

14. I am currently a partner in Georgia Venture Partners, a venture capital firm that invests in life sciences companies with a connection to Georgia.

15. Prior to my role with Georgia Venture Partners, I was a founding member of The Innovation Factory (TIF) and a principal partner in Accuitive Medical Ventures I and II (“Accuitive”). Both TIF and Accuitive work with companies to develop promising medical technologies. At TIF I served as Chief Science Officer and was primarily responsible for technical due diligence

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