

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NEOCHORD, INC.
Petitioner

v.

UNIVERSITY OF MARYLAND, BALTIMORE
Patent Owner

Case No. IPR2016-00208
Patent No. 7,635,386

**DECLARATION OF DR. JOHN GARRETT
IN SUPPORT OF PATENT OWNER'S RESPONSE**

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1. I, John Garrett, M.D., declare as follows:

2. I have personal knowledge of the facts stated in this declaration, and could and would testify to these facts under oath if called upon to do so.

I. INTRODUCTION AND QUALIFICATIONS

A. Engagement Overview

3. I have been retained by counsel for Harpoon Medical, Inc. (“Harpoon”) in this case as an expert in the relevant art. Harpoon is the exclusive licensee of U.S. Patent No. 7,635,386 (“the ‘386 patent”), which is owned by University of Maryland, Baltimore (“Patent Owner”). It is my understanding that Harpoon has control over this *inter partes* review proceeding based on their exclusive licensee agreement with Patent Owner. I am being compensated for my work at the rate of \$950 per hour. No part of my compensation is contingent upon the outcome of this petition.

4. I was asked to study the ‘386 patent, its prosecution history, the Petition, the Declaration of Dr. Aklog, and the other exhibits filed in this proceeding, and to render opinions on anticipation and obviousness or non-obviousness of certain ones of the claims of the ‘386 patent in light of the teachings of the prior art, as understood by a person of ordinary skill in the art in the 2006 time frame. I understand that the claims being challenged in the Petition are claims 1-23 (“the challenged claims”), the review of which has been instituted

on various grounds.

B. Summary of Opinions

5. After studying the '386 patent, relevant excerpts of its file history, the Petition, the Declaration of Dr. Aklog, and the exhibits by Petitioner, and after considering the subject matter of the claims of the '386 patent in light of the state of technical advancement in the area of mitral valve repair in the 2006 time frame, I reached the conclusions discussed herein.

6. In light of these general conclusions, and as explained in more detail throughout this declaration, it is therefore my opinion that each of the challenged claims of the '386 patent addressed in this declaration are valid as they were not anticipated or obvious in the 2006 time frame in light of the knowledge of skill in the art at that time and the teachings, suggestions, and motivations present in the prior art. This declaration, and the conclusions and opinions herein, provide support for the Patent Owner's Response in the *Inter Partes* Review of the '386 patent filed by Petitioner and instituted by the Board. I have reviewed the Patent Owner's Response in its entirety as well as its corresponding exhibits.

C. Qualifications and Experience

7. I possess the knowledge, skills, experience, training and the education to form an expert opinion and testimony in this matter. I have over 30 years of experience as a heart surgeon and have performed over 500 mitral and/or tricuspid

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