

ARNOLD & PORTER  
| KAYE SCHOLER

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*EDWARDS LIFESCIENCES CORP., et al.*

*Petitioner*

v.

*BOSTON SCIENTIFIC SCIMED, INC.*

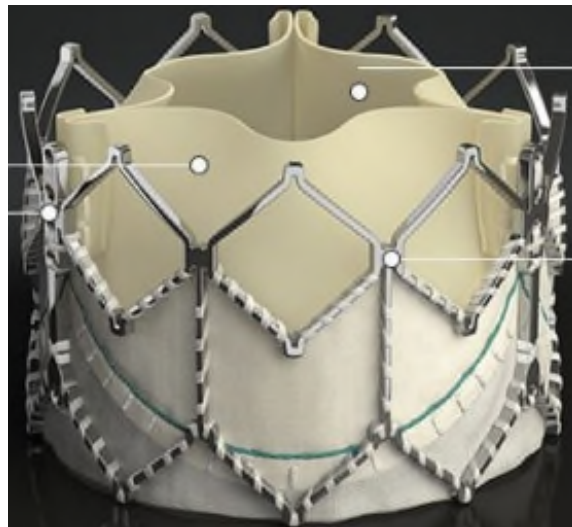
*Patent Owner*

Case IPR2017-00060

Patent 8,992,608



(Exhibit 2014 (Sapien).)



(Exhibit 2017 (Sapien XT).)



(Exhibit 2018 (Sapien 3).)

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## Dr. Nigel Buller

Q. In your entire career, you have never performed a TAVR procedure on a human patient; is that correct? (Exhibit 2028 at 20:21-24.)

A. Correct.

Q. And you have never performed a valve replacement procedure on an animal; is that correct?

A. Correct.

(Exhibit 2028 at 21:6-9.)

Q. You have never performed any surgical valve replacements in a patient; is that right?

A. No, I'm not a surgeon.

(Exhibit 2028 at 37:14-17.)

## Dr. Stephen

- Over 25 years of n experience as a pr interventional car
- Chief of Cardiology George's Universi
- Performed over 1, procedures
- Proctored over 60 procedures

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## Dr. Andrew M

- Over 25 years of n experience in card and endovascular
- Performed hundr procedures

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## Dr. Nigel Buller

Q. You have used stent grafts for the treatment of aortic dissection but not for abdominal aortic aneurysm; correct?

A. Correct, I have not on my own treated abdominal aortic aneurysms....

(Exhibit 2028 at 49:12-16.)

Q. How many Gore TAG products did you implant in your career?

A. Well, two. The ones I told you about that I can remember.

Q. How many other thoracic aneurysm grafts have you implanted in your career besides those two?

A. I can't be sure. I can't remember any.

(Exhibit 2094 at 11:6-18.)

## Dr. Andrew M

- Performed hundreds of aneurysm repairs (both surgical and endovascular means), including thoracic aortic aneurysms, thoracoabdominal

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**“S&N’s own invalidity expert even admitted he did not consider the objective indicia of nonobviousness in reaching his conclusion regarding the invalidity of the patents.”**

*Kinetic Concepts, Inc. v. Smith & Nephew*,  
688 F.3d 1342, 1368 (Fed. Cir. 2012) (reversing trial court’s finding of obviousness)

**“There was, moreover, no effort by [obviousness expert] Dr. Yanco to guard against this hindsight bias by appropriately considering all objective evidence of nonobviousness.”**

*InTouch Techs., Inc. v. VGO Comm’s*, 751 F.3d 1327, 1352 (Fed. Cir. 2014) (reversing trial court’s findings of invalidity)

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