

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EDWARDS LIFESCIENCES CORPORATION, EDWARDS LIFESCIENCES LLC,
AND EDWARDS LIFESCIENCES AG
Petitioners

v.

BOSTON SCIENTIFIC SCIMED, INC.
Patent Owner

Case IPR2017-
Patent 8,992,608

**SECOND DECLARATION OF NIGEL P. BULLER, M.D.
SUBMITTED ON BEHALF OF PETITIONERS EDWARDS LIFESCIENCES
CORPORATION, EDWARDS LIFESCIENCES LLC, AND
EDWARDS LIFESCIENCES AG**

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I, Dr. Nigel P. Buller, declare as follows:

1. I am over the age of eighteen (18) and otherwise competent to make this Declaration.

2. I understand that this Second Declaration is being submitted in connection with Edwards'¹ second Petition for *inter partes* review ("IPR") of U.S. Patent No. 8,992,608 (the "'608 Patent").

3. I previously submitted a Declaration in support of Edwards' first Petition for IPR of the '608 Patent, IPR2017-00060 ("First Declaration"), which I am informed was instituted by the Patent Trial and Appeal Board on March 29, 2017.

4. I understand that my First Declaration, which was Exhibit 1007 to the First Petition, will be submitted as Exhibit 1107 to Edwards' second petition.

5. To avoid repetition in this, my Second Declaration, I hereby adopt and incorporate by reference all of my testimony in my First Declaration, and will refer and cite herein to the First Declaration where appropriate.

6. Thus, my opinions provided herein are intended to supplement my First Declaration.

¹ "Edwards" refers collectively to Edwards Lifesciences Corporation, Edwards Lifesciences LLC, and Edwards Lifesciences AG.

I. INTRODUCTION

A. Engagement

7. I have been retained on behalf of Edwards to provide my opinion on the state of endovascular prosthetic technology as of June 16, 2004, which is the earliest asserted priority date listed on the face of the '608 Patent. I also provide my opinion on the scope and content of certain "prior art" patents and printed publications. Further, I provide my opinion regarding the subject matter described and claimed in the '608 Patent. In particular, I have reviewed and analyzed claims 1–9 of the '608 Patent and concluded, for the reasons set forth below, that each of these claims is invalid as anticipated and/or obvious in view of the prior art.

8. I reserve the right to supplement, change, clarify, or modify my opinions should additional information and/or documentation become available to me. I also reserve the right to submit a rebuttal declaration in response to any expert declaration(s) submitted on behalf of the owner of the '608 Patent, Boston Scientific Scimed, Inc.

B. Background and Qualifications

9. For my Background and Qualifications, please refer to paragraphs 5–26 of my First Declaration, which I adopt and incorporate herein. Ex. 1107 at ¶¶ 5–26.

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