UNITED STATES PATENT AND TRADEMARK OFFICE ————— BEFORE THE PATENT TRIAL AND APPEAL BOARD ———— INTUITIVE SURGICAL, INC. Petitioner v. ETHICON LLC Patent Owner ———— Case IPR2018-01254

PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE

U.S. Patent No. 8,479,969

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II.	Claim 24: The primary combination (Shelton's stapler with Giordano's articulation mechanism) discloses element [24.3]			
	A.	In view of the Certificate of Correction the disclosure is undisputed		
	B.	The Certificate of Correction applies to these proceedings		
	C.	As a backup argument, Petitioner established that the primary combination discloses an operable coupling between the tool mounting portion and the distal end of the proximal spine portion		
III.		ns 11 and 24: A POSITA would not have been deterred from making of the proposed combinations of Giordano and Wallace		
	A.	Even if "tactile feedback" were a requirement (it is not), Wallace discloses it		
	B.	Articulation in two axes is not a requirement of the claims and Wallace does not require it for the combination		
	C.	In the primary combination, Wallace's remotely controlled inputs replace Giordano's manual articulation knob		
IV.	Claims 11 and 24: A POSITA would not have been deterred from making the alternative combination of Shelton's stapler and Wallace's articulation			
		anism		
	A.	Single axis articulation is all that claims 11 and 24 require, which can be accomplished using Shelton's firing bar		
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EXHIBITS

IS1001	U.S. Pat. No. 8,479,969 to Shelton, IV ("the '969 Patent")
IS1002	Prosecution History of the '969 Patent (Serial No. 13/369,609)
IS1003	Reserved
IS1004	Reserved
IS1005	Declaration of Dr. Bryan Knodel (Giordano as Primary Reference)
	("Knodel Decl.")
IS1006	Reserved
IS1007	Reserved
IS1008	U.S. Pat. No. 6,699,235 to Wallace et al. ("Wallace")
IS1009	U.S. Pat. No. 6,331,181 to Tierney et al. ("Tierney")
IS1010	Reserved
IS1011	Reserved
IS1012	Reserved
IS1013	Reserved
IS1014	U.S. Pat. App. No. 2008/0167672 to Giordano et al. ("Giordano")
IS1015	U.S. Pat. No. 6,978,921 to Shelton et al. ("Shelton")
IS1016	U.S. Pat. App. No. 2007/0158385 to Hueil et al. ("Hueil")
IS1017	Supplemental Declaration of Dr. Bryan Knodel
	("Knodel Supp. Decl.")



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IS1018	U.S. Pat. No. 6,132,368 to Cooper ("Cooper")
IS1019	June 17, 2019 Deposition of Shorya Awtar for IPR2018-01247
	("Awtar Dep. I")
IS1020	Reserved
IS1021	Reserved
IS1022	June 18, 2019 Deposition of Shorya Awtar for IPR2018-01254
	("Awtar Dep. II")
IS1023	June 6, 2019 Deposition of Frank Fronczak for IPR2018-00936
	("Fronczak Dep.")
IS1024	April 3, 2019 Deposition of Bryan Knodel for IPR2018-01247
	("Knodel Dep.")
IS1025	PCT App. Pub. No. WO 98/25666 ("the '666 application")
IS1026	District Court Complaint in Ethicon LLC et al. v. Intuitive Surgical,
	Inc. et al., 1:17-cv-00871-LPS filed June 30, 2017
IS1027	U.S. Pat. No. 7,524,320 to Tierney et al. ("Tierney 320")



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