

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MEDTRONIC, INC., AND MEDTRONIC VASCULAR, INC.

Petitioner,

v.

TELEFLEX INNOVATIONS S.À.R.L.,

Patent Owner

Case No.: IPR2020-00126
U.S. Patent No. 8,048,032

**PETITION FOR *INTER PARTES* REVIEW
OF U.S. PATENT NO. 8,048,032**

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<i>In re Harris</i> , 409 F.3d 1339 (Fed. Cir. 2005)	80
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<i>Legget & Platt, Inc. v. VUTEK, Inc.</i> , 537 F.3d 1349 (Fed. Cir. 2008)	22, 46
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