

1 UNITED STATES PATENT AND TRADEMARK OFFICE  
2 BEFORE THE PATENT TRIAL AND APPEAL BOARD

3 MEDTRONIC, INC., AND MEDTRONIC  
4 VASCULAR, INC.,

5 Petitioners,

6 vs.

7 TELEFLEX INNOVATIONS S.A.R.L.,

8 Patent Owner.

9 IPR2020-00126 (Patent 8,048,032 B2)  
10 IPR2020-00127 (Patent 8,048,032 B2)  
11 IPR2020-00128 (Patent RE45,380 E)  
12 IPR2020-00129 (Patent RE45,380 E)  
13 IPR2020-00130 (Patent RE45,380 E)  
14 IPR2020-00132 (Patent RE45,760 E)  
15 IPR2020-00134 (Patent RE45,760 E)  
16 IPR2020-00135 (Patent RE45,776 E)  
17 IPR2020-00136 (Patent RE45,776 E)  
18 IPR2020-00137 (Patent RE47,379 E)  
19 IPR2020-00138 (Patent RE47,379 E)

20 VOLUME I  
21 REMOTE VIDEOTAPED DEPOSITION OF  
22 MICHAEL JONES

23 DATE: January 18, 2021  
24 TIME: 8:00 a.m. (Pacific)  
25 PLACE: Veritext Virtual Videoconference

PAGES: 1 to 189  
JOB NO.: MW 4402816  
REPORTED BY: Merilee Johnson, RDR, CRR, CRC, RSA

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1 APPEARANCES  
(All appearing remotely via videoconference)

2

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20 Howard Cyr (Teleflex)  
Justin Bond (Videographer)

21  
22  
23  
24  
25

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1 EXHIBITS  
(Continued)

2

3 Exhibit 1033 United States Patent Application . 141  
4 Publication, US 2004/0236215 A1,  
5 Pub. Date: November 24, 2004  
6 Exhibit 1114 Deposition transcript of Howard .. 38  
7 Charles Root, dated June 27, 2013  
8 CONFIDENTIAL-ATTORNEYS' EYES ONLY  
9 VSIQXM\_E00055124 to 55172  
10 Exhibit 1242 Declaration of Richard A. .... 70  
11 Hillstead, Ph.D., FAHA  
12 Exhibit 1807 Declaration of Michael Jones .....  
13 Submitted in Support of  
14 Petitioner's Replies  
15 Exhibit 1829 United States Patent No. .... 91  
16 6,361,529 B1, Date of Patent:  
17 March 26, 2002  
18 Exhibit 2228 Diagram..... 170  
19 Exhibit 2229 Diagram..... 174  
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5 Examination by Mr. Morton.....178  
6 Further Examination by Mr. Winkels.....186

7

8 CAUTION OR INSTRUCTIONS NOT TO ANSWER:

9 Page 75, Line 14  
10 Page 76, Line 11

11

12 EXHIBITS

13

14 EXHIBITS MARKED AND FIRST REFERRED TO: PAGE

15 Exhibit 1007 United States Patent No. .... 32  
16 7,736,355 B2,  
17 Date of Patent: June 15, 2010  
18 Exhibit 1008 United States Patent No. .... 78  
19 7,604,612 B2,  
20 Date of Patent: October 20, 2009  
21 Exhibit 1030 United States Patent No. .... 132  
22 5,413,560,  
23 Date of Patent: May 9, 1995  
24  
25

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1 (PROCEEDINGS, 01/18/2021, 8:00 a.m.)  
2 THE VIDEOGRAPHER: Good morning. Today  
3 is January 18, 2021. We're on the record at  
4 8:00 a.m. Today we'll take the videotaped  
5 deposition in Case No. IPR2020-00138. This  
6 deposition is being held remotely.  
7 Counsel, please state your appearance and  
8 affiliation for the record.  
9 MR. WINKELS: On behalf of patent  
10 owner, Joe Winkels with the Carlson Caspers firm.  
11 With me, from my firm, is Peter Kohlhepp. As well,  
12 Pete Keith is with us today. And two  
13 representatives from Teleflex, Howard Cyr and  
14 Greg Smock, are with us today.  
15 MR. MORTON: This is Cyrus Morton, law  
16 firm of Robins Kaplan, representing petitioner,  
17 Medtronic. With me in the room are also Chris  
18 Pinahs and Shelley Gilliss.  
19 THE VIDEOGRAPHER: Thank you. Would  
20 you please swear the witness.  
21 MICHAEL JONES,  
22 duly sworn, was examined and testified as follows:  
23 EXAMINATION  
24 BY MR. WINKELS:  
25 Q. Good morning, Mr. Jones.

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1 A. Good morning.  
2 Q. So I understand it's 8:00 a.m. your time.  
3 It's 10:00 a.m. our time. I think we'll need to  
4 take a lunch break at some point today. I'm happy  
5 to do that whenever you would like to. You know,  
6 I'm happy to go through our lunch break, so I was  
7 kind of -- you know, if we went for maybe three,  
8 three and a half hours, something like that, is  
9 kind of what I would think for a lunch break. Does  
10 that sound fine with you?  
11 A. That sounds like a decent plan.  
12 Q. Okay. So we'll stick with that.  
13 Have you ever been deposed before?  
14 A. Yes, I have.  
15 Q. How many times?  
16 A. I believe it's twice.  
17 Q. And when were you last deposed?  
18 A. I think it was early November of 2020.  
19 And, I mean, if you need a specific date, I could  
20 look it up, but it was late October/early  
21 November of 2020.  
22 Q. Okay. And what type of matter was that  
23 that you were deposed in?  
24 A. Products liability case.  
25 Q. Okay. And who were you testifying on

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1 behalf of?  
2 A. The plaintiff.  
3 Q. Okay. Just generally, what was the  
4 technology at issue? What was the general nature  
5 of that case?  
6 A. I'm trying to figure what I -- I'm trying  
7 to figure out what I can tell you.  
8 Q. Let me ask this: Did it relate to a  
9 medical device?  
10 A. Yes, it did.  
11 Q. Okay. Did it relate to a medical device  
12 that would be used in the coronary arteries?  
13 A. No, it did not.  
14 Q. Okay. Did it relate to a medical device  
15 that had anything to do with the heart?  
16 A. No, it did not.  
17 Q. Okay. And you said you've been deposed  
18 twice. One time was in early November of last  
19 year. What was the other time that you've been  
20 deposed?  
21 A. The other time was in a patent litigation  
22 between SenoRx, Inc., which -- and Scitech, over a  
23 radiation balloon catheter that I was an inventor  
24 of.  
25 Q. Okay. I want to ask some more questions

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1 about that case, but -- so since you've been  
2 deposed in November of 2020, was that deposition  
3 virtually done via Zoom or WebEx or something  
4 like we're -- a platform like we have today?  
5 A. Yes, a platform --  
6 Q. And so -- yeah. So I just did exactly what  
7 we're not supposed to do. And that's what I wanted  
8 to caution both of us to do is not talk over each  
9 other because it's going to make our court  
10 reporter's job very difficult. So I will do my  
11 best to not interrupt you when you're answering a  
12 question, if you can do your best to not interrupt  
13 me, when I'm asking a question, even if you know  
14 what my question is and you're anticipating it.  
15 Just let's try to -- try not to talk over each  
16 other. Okay?  
17 A. Yes, sir.  
18 Q. All right. The patent litigation case, the  
19 SenoRx, is that the --  
20 A. SenoRx. S-e-n-o-R-x.  
21 Q. SenoRx. And who was the defendant in that  
22 case?  
23 A. I believe we were the defendant.  
24 Q. That was -- that was SenoRx is who  
25 you represented?

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1 A. Well, SenoRx, that was the -- an inventor  
2 of their radiation balloon catheter.  
3 Q. Okay.  
4 A. And they were being sued by Scitech.  
5 Q. And what year were you deposed in that  
6 case?  
7 A. 2007 or 2008, I believe.  
8 Q. Okay. Did that case go to trial?  
9 A. No, it did not.  
10 Q. Were you only deposed once in that case?  
11 A. Yes.  
12 Q. And you said it was about a radiation  
13 balloon catheter. What's a radiation balloon  
14 catheter?  
15 A. A radiation balloon catheter is used by  
16 radiation oncologists. It's a catheter. It goes  
17 into a -- specifically in the case for what we were  
18 making and selling, went into a woman's breast  
19 after surgery to remove a cancerous lesion. It  
20 filled the cavity and then it provided high-dose  
21 radiation therapy over a short period of time for  
22 follow-up treatment after surgery.  
23 Q. Do you recall what year was the filing date  
24 of that invention?  
25 A. I don't recall directly.

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1 Q. Sometime before 2007, though?  
2 A. Yes.  
3 Q. Do you think it was before 2005?  
4 A. I honestly can't recall that far back.  
5 It's -- I'm almost a hundred percent certain it's  
6 in my CV.  
7 Q. Okay.  
8 A. With the -- not necessarily the invention  
9 date but the date the patent was issued.  
10 Q. Okay. And that radiation balloon catheter,  
11 that was not a catheter that was used in the  
12 coronary arteries, correct?  
13 A. That is correct.  
14 Q. Now, have you done any work for Medtronic  
15 before?  
16 A. Not to the best of my recollection, I have  
17 not.  
18 Q. Have you ever received any grants from  
19 Medtronic for any work?  
20 A. No, I have not.  
21 Q. Have you ever licensed any of your patents  
22 to Medtronic?  
23 A. I think -- not directly. I was an inventor  
24 on a number of products at Micro Therapeutics.  
25 Micro Therapeutics was -- through a number of sales

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1 of the entity, those products ended up in  
2 Medtronic's product portfolio.  
3 Q. Are you still receiving royalty payments  
4 from Medtronic?  
5 A. No, never received any royalty payments  
6 from Medtronic.  
7 Q. Had you sold any companies to Medtronic?  
8 A. I have not.  
9 Q. Have any companies that you've been a  
10 shareholder in been sold to Medtronic?  
11 A. Well, Micro Therapeutics was sold to  
12 Medtronic. I was a shareholder of Micro  
13 Therapeutics. I believe I was -- I believe I had  
14 sold all my stock in Micro Therapeutics well before  
15 Medtronic ended up purchasing the remnants of the  
16 company.  
17 Q. Now, what did you do to prepare for your  
18 deposition today?  
19 A. I've reviewed my declaration. I've  
20 reviewed the key exhibits in regards to my  
21 declaration. I've had declaration preparation with  
22 my attorneys.  
23 Q. Did you speak with anyone other than the  
24 Medtronic attorneys?  
25 A. No, I did not.

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1 Q. Have you spoken to any of the other experts  
2 in this case?  
3 A. No, I have not.  
4 Q. So you have not spoken to Dr. Hillstead; is  
5 that right?  
6 A. I have not spoken with Dr. Hillstead.  
7 Q. You have not spoken with Dr. Brecker,  
8 correct?  
9 A. I have not.  
10 Q. And you have not spoken with Mr. Zalesky,  
11 correct?  
12 A. No, I have not.  
13 Q. Do you have any understanding of why  
14 Mr. Hillstead is not offering any reply opinions in  
15 this matter?  
16 A. No, I do not.  
17 Q. Have you spoken with anyone else in this  
18 case other than counsel from Medtronic?  
19 A. No, I have not.  
20 Q. Now, when were you hired to perform any  
21 work in this matter?  
22 A. I believe it was late June or early July of  
23 2019.  
24 Q. Late June/early July 2019, did you do any  
25 work in connection with the district court

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1 litigation in this case?  
2 A. I believe so.  
3 Q. And starting in late June/early July, did  
4 you also do some work in connection with the IPRs  
5 in this case?  
6 A. Not that -- not to my knowledge.  
7 Q. When did you first start doing any work on  
8 the IPRs in this case?  
9 A. I believe that was in late September or  
10 early October of 2020.  
11 Q. What were you hired to do in late  
12 September/early October of 2020 in connection with  
13 the IPRs?  
14 A. To produce a -- sorry. To produce an  
15 expert report or declaration to review patents and  
16 make comments as a person of skill in the art.  
17 Q. Did you understand at that time that you  
18 were going to be providing a declaration in support  
19 of petitioners' replies in the IPRs?  
20 A. Yeah, I believe that was explained.  
21 Q. Did you gain any understanding of why  
22 Mr. Hillstead was not providing any declaration in  
23 support of the replies?  
24 A. No, I do not.  
25 MR. MORTON: Asked and answered.

1 BY MR. WINKELS:

2 Q. Now, what have you all reviewed in  
3 connection with this case? You said in preparation  
4 for the deposition you reviewed your declaration  
5 and some of the key exhibits. But in your work on  
6 this case, what documents have you all reviewed?

7 A. Well, I believe --

8 MR. MORTON: Objection.

9 A. -- let's see -- so I've looked at, read --  
10 trying to think what the best way to go through the  
11 list is.

12 Q. I'll start identifying some things and you  
13 can tell me, yes or no, you've reviewed it, and  
14 then we'll see if I missed anything.

15 A. Okay.

16 Q. Have you reviewed the five patents that are  
17 at issue in these IPRs?

18 A. Can you cite the patent numbers? Because  
19 I've reviewed the one -- a Root patent, 8,048,032.

20 Q. Okay. And in your binder, that's listed as  
21 Exhibit 1001, right?

22 A. Yes.

23 Q. Have you also reviewed the next tab in your  
24 binder, which is also Exhibit 1001 but it's in a  
25 different IPR, and it's the patent that is the

1 No. RE45,380?

2 A. I have not. I think I just looked at the  
3 cover page to verify it's a re-exam patent, but I  
4 haven't reviewed the contents of it.

5 Q. Okay. So you have not looked at the claims  
6 of the '380 patent; is that right?

7 A. That is correct.

8 Q. And the next tab in your binder is  
9 Patent RE45,760. Have you reviewed the '760  
10 patent?

11 A. Same thing. Just looked at the cover page  
12 of it and that was all.

13 Q. And so you have not reviewed the claims of  
14 the '760 patent, correct?

15 A. No, I have not.

16 Q. And if I refer to patent numbers by their  
17 last three numbers, will you understand what I'm  
18 referring to?

19 A. Yes.

20 Q. Okay. Next tab in your binder is  
21 Exhibit 1001, Patent No. RE45,776. Am I correct  
22 that you have not reviewed the '776 patent or  
23 patent claims?

24 A. Same thing. I've looked at the cover page,  
25 verify what it is, and then did not review the

1 claim.

2 Q. And then lastly, the next tab in your  
3 binder is Exhibit 1001. It's Patent RE47,379. Am  
4 I correct that you did not review the '379 patent  
5 or the '379 claims?

6 A. Same thing. I looked at the cover page,  
7 verify what it was, and then did not review the  
8 claims.

9 Q. Did you review the '032 patent claims?

10 A. I think I looked at Claim 1 of the '032  
11 when I originally was interviewed for the case.

12 Q. But in connection with your work on these  
13 IPRs, you have not reviewed all of the claims of  
14 the '032 patent, right?

15 A. That is correct.

16 Q. Okay. Have you reviewed the file histories  
17 for the five patents that we just went over?

18 A. No, I have not.

19 Q. Have you reviewed any aspect of the file  
20 histories?

21 A. No, I have not.

22 Q. Now, based on your declaration, I take it  
23 you've reviewed some prior patents, correct?

24 A. Yes, I have.

25 Q. Have you reviewed any prior patents that

1 are not identified in your declaration?

2 A. Oh. No. No. I think the declaration  
3 covers pretty much everything that -- or everything  
4 that we reviewed or referenced in my declaration.

5 Q. Okay. Have you reviewed the declarations  
6 that Dr. Brecker or Mr. Hillstead provided in this  
7 case?

8 A. I reviewed the declaration of  
9 Dr. Hillstead. I don't think I've seen the  
10 declaration of Dr. Brecker.

11 Q. And did you just review one declaration of  
12 Dr. Hillstead?

13 A. Yes. I believe it was just one.

14 Q. And have you reviewed any declarations from  
15 Mr. Zalesky?

16 A. Not to my knowledge, I have not.

17 Q. Have you reviewed the declarations from  
18 patent owners' expert Mr. Keith?

19 A. Yes.

20 Q. Do you recall how many declarations from  
21 Mr. Keith you reviewed?

22 A. No, I don't. I think it was -- I believe  
23 it to be just one.

24 Q. Have you reviewed the declaration or  
25 declarations from Dr. Graham, who was a

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