

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 II

21 REMOTE VIDEOTAPED DEPOSITION OF

22 MICHEAL JONES

23 DATE: January 20, 2021  
24 TIME: 7:58 a.m. (Pacific)  
25 PLACE: Veritext Virtual Videoconference

PAGES: 1 to 163  
JOB NO.: MW 4402861  
REPORTED BY: Merilee Johnson, RDR, CRR, CRC, RSA

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1	A P P E A R A N C E S
	(All appearing remotely via videoconference)
2	
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	Page 4
1	E X H I B I T S
2	(Continued)
3	Exhibit 1015 Baim Article: Section VII: 30
4	Interventional Techniques
5	Exhibit 1025 United States Patent Application 53
6	Publication No. 2005/0015073 A1,
7	Publication Date: January 20,
8	2005
9	Exhibit 1055 Sakurada Brochure: 65
10	Catheterization and
11	Cardiovascular Interventions,
12	dated November 2004
13	Exhibit 1807 Declaration of Michael Jones 6
14	Submitted in Support of
15	Petitioner's Replies
16	
17	
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1	I N D E X
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3	WITNESS: MICHEAL JONES PAGE
4	Examination by Mr. Winkels..... 5
5	Examination by Mr. Pinahs.....161
6	
7	CAUTION OR INSTRUCTIONS NOT TO ANSWER:
8	Page 156, Line 13
9	
10	E X H I B I T S
11	
12	EXHIBITS FIRST REFERRED TO: PAGE
13	Exhibit 1001 United States Patent No. 56
14	8,048,032 B@, Date of Patent:
15	November 1, 2011
16	Exhibit 1007 United States Patent No. 22
17	7,736,355 B2, Date of Patent:
18	June 15, 2010
19	Exhibit 1009 United States Patent No. 89
20	5,439,445, Date of Patent: August
21	8, 1995
22	Exhibit 1010 Takahashi Brochure: 82
23	Catheterization and
24	Cardiovascular Interventions,
25	dated December 2004

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1	(PROCEEDINGS, 01/20/2021, 9:58 a.m.)
2	THE VIDEOGRAPHER: Good morning. Today
3	is January 20, 2021. We're on the record at
4	7:58 a.m. Today we'll take the videotaped
5	deposition in Case No. IPR2020-00138.
6	This deposition is being held remotely.
7	Counsel, please state your appearance and
8	affiliation for the record.
9	MR. WINKELS: Good morning. On behalf
10	of patent owner, Joe Winkels with the Carlson
11	Caspers firm. Also with me from my firm is Peter
12	Kohlhepp. And on the line is Greg Smock from
13	Teleflex, as well as Pete Keith.
14	MR. PINAHS: Christopher Pinahs from
15	the Robins Kaplan law firm on behalf of the
16	petitioner, Medtronic. I'm also joined this
17	morning by my colleague Cyrus Morton and
18	Shelley Gilliss.
19	THE VIDEOGRAPHER: Thank you. Would
20	you please swear the witness.
21	MICHEAL 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. Do you have Exhibit 1807 in front of you?  
3 (Exhibit No. 1807 was introduced.)  
4 A. Yes, I do. Hang on just a second. Let me  
5 open to that. Okay.  
6 Q. All right. And Exhibit 1807 is your  
7 declaration in this IPR matter, correct?  
8 A. That's correct.  
9 Q. Okay. And I'm going to try to start where  
10 we kind of left off on Monday, and we'll keep going  
11 through your declaration as we did on Monday.  
12 Does that sound okay?  
13 A. Yes, it does.  
14 Q. All right. And, likely, I will also move  
15 the exhibits into the Exhibits folder on the  
16 Exhibit Share. Do you have the Exhibit Share up,  
17 Mr. Jones?  
18 A. Yes. Yes, I do.  
19 Q. Okay. And just to make sure we're seeing  
20 the same things. If you go into the Marked  
21 Exhibits folder, do you see your declaration there  
22 now, 1807?  
23 A. Yes, I do.  
24 Q. Okay. Perfect. So if you could turn to  
25 page 49 of your declaration. It's around

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1 paragraph 121.  
2 A. Okay.  
3 Q. And just to orient us: On Monday evening  
4 when we concluded, we were discussing the two  
5 alternatives that you proposed for modifying the  
6 Itou reference with the Ressemann collar, right?  
7 A. I believe that is correct.  
8 Q. And the two alternatives you proposed, one  
9 is where you take the Ressemann collar and you set  
10 the tab portion of the collar on top of the Itou  
11 wire, and the other alternative is where you take  
12 the Ressemann collar and you situate the tab  
13 portion on the bottom of the Itou wire. Right?  
14 A. Yes. I believe we were at that point when  
15 we ended the deposition.  
16 Q. Yep. Perfect. And we discussed in the  
17 situation -- or the proposal you have where you put  
18 the Ressemann collar on top of the wire in Itou,  
19 you said in that combination you would remove both  
20 the Itou collar and the Itou coil; is that right?  
21 A. Yes.  
22 Q. In the alternative embodiment where you put  
23 the Ressemann collar and the tab portion of the  
24 Ressemann collar underneath the Itou wire, would  
25 you also remove the Itou collar and the Itou coil

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1 in that alternative combination?  
2 A. Yes, I would.  
3 Q. Okay. Now, at paragraph 124 of your  
4 declaration, in that first sentence of  
5 paragraph 124 you're discussing Itou and Ressemann.  
6 And you say, "...these areas can be estimated based  
7 on the figures and dimensions reported in each  
8 patent."  
9 Correct?  
10 A. Yes, I do.  
11 Q. You agree it is appropriate to look at the  
12 figures in Itou and Ressemann to estimate relative  
13 dimensions of the various portions of the device,  
14 right?  
15 A. I believe when you take the figures of both  
16 Itou and Ressemann and then bring them -- scale one  
17 relative to the other to bring them to the same, in  
18 my case, internal dimension -- ID of the two, or  
19 the ID of the opening, then at that point you can  
20 approximate the area of the openings to give a  
21 relative size comparison.  
22 Q. Right. And that's the only point I wanted  
23 to make, is that throughout your declaration you  
24 are looking at patent figures, and if a patent  
25 figure doesn't have a specific dimension specified

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1 in the specification, you are using that patent  
2 figure and scaling that patent figure to try to  
3 ascertain dimensions of that structure, right?  
4 A. I'll re- -- I'll try to answer your  
5 question in my verbiage.  
6 So where a patent had a dimension  
7 specified, we've applied -- I've applied those  
8 dimensions to the drawing to translate or place in  
9 the drawing the appropriate dimensions that are  
10 specified in its patent.  
11 And then where there are not dimensions  
12 specified from those patents, estimating, based on  
13 some known dimensions or some known geometric  
14 reference, what the drawing represents as the --  
15 what the drawing represents dimensionally.  
16 And then in the cases where we have patents  
17 with different IDs, I'm bring- -- scale the  
18 assembly to the same internal dimension and then  
19 run my calculations or estimations based on those  
20 similar internal dimensions as the basis for, say,  
21 the scale between the two -- two patents.  
22 Q. And in doing the estimation part of the  
23 analysis you just described, you are using the  
24 figures of the patents to aid you in that  
25 estimation of various dimensions, right?

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1 A. Yes. I am using the patent drawings to aid  
2 me in that estimation.  
3 Q. Okay. Looking down to paragraph 127.  
4 A. Okay.  
5 Q. All right. Now, in 127 you are saying that  
6 using Ressemann's collar would reduce kinking  
7 because it would eliminate the weld point between  
8 the wire 25 and the proximal opening, right?  
9 A. Hold on a second. Let me read that  
10 paragraph before you . . . (Reviewing document.)  
11 Okay. Okay. So, again, your question,  
12 please?  
13 Q. Yeah. Are you saying that you would use  
14 Ressemann's collar to eliminate the weld point in  
15 Itou to reduce kinking?  
16 MR. PINAHS: Objection. Form.  
17 A. Can you re-ask that question?  
18 Q. Let's just break it up. Are you saying you  
19 would use Ressemann's collar 2141 in your proposed  
20 combination that you discuss in paragraph 127 to  
21 eliminate the weld point in Itou?  
22 A. The answer is yes. So I would be using the  
23 collar in Ressemann in place or to trans- -- in  
24 place of the weld point in Itou. So the collar  
25 would provide an increase -- or the ability to

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1 provide a transition in stiffness between the wire  
2 and the opening of Itou.  
3 Q. Is it your opinion that the weld point in  
4 Itou is a location that may increase kinkability?  
5 A. Yeah. It's my -- it's my opinion that the  
6 weld point being -- essentially having -- sorry.  
7 It's my opinion that the transition between  
8 the Itou collar and the wire would have a -- the  
9 transition area where the wire has been flattened  
10 and welded to the Itou collar provides a risk of a  
11 kink forming at that joint, just due to the  
12 shortness of the transition.  
13 And the fact that the -- flattening the  
14 wire by crushing it is going to locally result in  
15 work hardening and a decrease in the ductility of  
16 the wire at that location.  
17 Q. Right. I want to talk about that. Before  
18 we get to that, though, I have a -- my first  
19 question is: If you look at the combination you  
20 show in paragraph 121 of your declaration.  
21 A. Okay. Let me flip over to that.  
22 Q. Can you see at -- in paragraph 121 of your  
23 declaration, you show your proposed combination  
24 where you've included the Ressemann collar on top  
25 of the wire in Itou?

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1 A. Mm-hmm. Yes, I see that.  
2 Q. In the combination you show in  
3 paragraph 121, the weld point is still present,  
4 right,  
5 A. No, I --  
6 MR. PINAHS: Object to form.  
7 A. -- think --  
8 MR. PINAHS: You can answer, Mr. Jones.  
9 A. Now, in this schematic I basically overlaid  
10 what the -- where the -- where I would place the  
11 collar in relation to the Itou construction.  
12 So the wire that's shown in Itou here is  
13 unmodified. It's just the Itou form that was  
14 provided, and then on top of it is placed the  
15 Ressemann collar. And you can see it's embedded  
16 within the wall on the top, and there's some  
17 manipulation or modification I'd have to make to  
18 get it fully embedded in the wall at the proximal  
19 end of Itou.  
20 So the -- I don't -- my attempt is not to  
21 show the weld point of Itou. My attempt is to show  
22 where I believe the Ressemann collar would fit  
23 within this construction.  
24 Q. Okay. So is it fair to say that the figure  
25 you show in paragraph 121 is not an accurate

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1 representation of the ultimate combination you are  
2 proposing between Ressemann and Itou?  
3 MR. PINAHS: Objection. Form.  
4 A. Can you rephrase that, please? Just to  
5 make sure I answer the right question.  
6 Q. Sure. Is it fair to say that the figure  
7 you show in paragraph 121 is not an accurate  
8 representation of the ultimate combination you are  
9 proposing between Ressemann and Itou?  
10 MR. PINAHS: Same objection.  
11 A. It's in an -- it's an attempt -- my attempt  
12 to demonstrate what the combination -- what Itou's  
13 layout would look like with the Ressemann collar  
14 attached.  
15 I think this is, you know, an interim view  
16 of what would be done with the product. There are  
17 other changes that I would probably make in  
18 conjunction with this, where I would make this full  
19 change, but this is -- my best description, an  
20 interim view of the -- what it would look like.  
21 Q. Thank you. That's all I'm trying to  
22 establish, is that the figure you show in  
23 paragraph 121, you would make further modifications  
24 beyond those shown in that figure to arrive at the  
25 ultimate combination you are proposing between

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1 Ressemann and Itou, right?  
2 A. Yeah. I make other modifications that are  
3 routine engineering decisions to improve the  
4 transition from one to the other.  
5 Q. Okay. Let's talk about that ductility  
6 issue you referenced. And I'll draw your attention  
7 back to paragraph 127. That's where you talk about  
8 ductility. Let me know when you're there, please.  
9 A. Okay. Back to 127.  
10 Q. Okay. In that paragraph you refer to  
11 "ductility." What is ductility?  
12 A. Ductility is essentially the -- the  
13 materials in the -- in relation to metal, ductility  
14 is the ability for material to bend, to be  
15 reshaped. I think those would be the two features  
16 that would -- are related to the ductility of a  
17 metal.  
18 Q. Do you agree that "ductility" refers to a  
19 metal's ability to permanently deform?  
20 A. Can you rephrase that question? It's -- I  
21 just want to make sure we're accurate on wording  
22 there -- or my understanding of your question.  
23 Q. Yeah. And that's what I'm trying to  
24 understand, is what you mean by "ductility." Does  
25 "ductility" refer to a material's ability to

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1 permanently deform?  
2 A. Yes, in general, it does. In the case of  
3 stainless steels, permanently deforming them by, in  
4 this case a crushing action, adds work-hardening.  
5 So that work-hardening reduces the ductility of the  
6 metal locally.  
7 Q. Okay. And in the context of these  
8 interventional devices we're talking about, we  
9 refer to "kinking." And "kinking" implies  
10 permanent deformation, right?  
11 A. In regards to a metal, it typically does  
12 refer to a permanent deformation.  
13 Q. Okay. Okay. So in paragraph 127, if you  
14 can look at the second-to-last sentence of that  
15 paragraph. And what you say is, "A reduction in  
16 ductility at a critical stiffness transition point  
17 is known in the art to be susceptible to kinking."  
18 Right? That's what you said, right?  
19 A. "A reduction..."  
20 Q. I just read what you said in paragraph 127.  
21 A. Yes, I'm reading it.  
22 Q. Okay.  
23 A. Yes, that's what's written.  
24 Q. Okay. My question is: When you say a  
25 reduction in ductility would be susceptible to

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1 kinking, are you saying a reduction in ductility  
2 would be more susceptible to kinking?  
3 A. No, I don't think -- well, I don't think  
4 that's the intent -- or I don't believe that is  
5 accurate.  
6 The localized -- so in this -- in the Itou  
7 collar-to-wire weld, the combination of the  
8 work-hardening and the welding will make a -- the  
9 work-hardening due to crushing the wire and the  
10 welding to attach the collar to the wire, we're  
11 going to have a dis- -- there will be a  
12 discontinuity in the stiffness of the wire. And  
13 that discontinuity is the place most likely to  
14 kink.  
15 So it may not be necessarily at the -- that  
16 transition, but immediately adjacent to it.  
17 Q. Okay. Are you saying that the  
18 work-hardening that Itou does reduces the  
19 ductility?  
20 A. Yes, I am.  
21 Q. Okay. And isn't something that is ductile  
22 more able to bend and kink than something that is  
23 not ductile?  
24 A. No.  
25 Q. Okay.

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1 A. So if we want to use -- so a nonductile  
2 wire may be able to bend in a large curvature --  
3 yeah, when it's forced into a small curvature will  
4 exceed its elastic limit, producing a permanent  
5 change in shape that's not recoverable.  
6 A ductile wire will have -- in a similar  
7 circumstance, could go through a large-diameter  
8 bend and not be affected, but a ductile wire would  
9 have -- have a permanent deformation happen at  
10 potentially a less -- under a less extreme bend.  
11 So . . .  
12 Q. Okay. I just want to understand what you  
13 believe ductility relates to in this context. My  
14 question is: Do you agree that the more something  
15 is ductile, the more likely it is to kink?  
16 A. Not necessarily. I want to -- I would  
17 rephrase that statement slightly, I think. The  
18 more something is ductile, the easier it is to bend  
19 and the easier it is for that bend to become  
20 permanent. And similarly, the more something is  
21 ductile, the easier it is to unbend and  
22 restraighten.  
23 The less ductile a wire is, the production  
24 of a kink, from whatever reason, would be nearly --  
25 would require substantial amount of work to

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