UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MEDTRONIC, INC. AND MEDTRONIC VASCULAR, INC.

Petitioner,

v.

TELEFLEX INNOVATIONS S.A.R.L.

Patent Owner.

SUPPLEMENTAL DECLARATION OF
STEPHEN JON DAVID BRECKER, MD, FRCP, FESC, FACC
SUBMITTED IN SUPPORT OF PETITIONER'S REPLIES

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I. Overview

1. I have been retained by Robins Kaplan LLP on behalf of Medtronic, Inc. and Medtronic Vascular, Inc. ("Medtronic") as an independent expert to provide my opinions concerning U.S. Patent Nos. 8,048,032; RE45,380; RE45,776; RE45,760; and RE47,379 (the "Teleflex Patents") in IPR2020-00126, IPR2020-00127, IPR2020-00128, IPR2020-00129, IPR2020-00130, IPR2020-00132, IPR2020-00134, IPR2020-00135, IPR2020-00136, IPR2020-00137 and IPR2020-00138.[1]

2. I set forth the information below as a supplement to my original declarations, as Teleflex raised new issues in their Patent Owner Responses on which I had not previously been given an opportunity to offer testimony. Having considered Teleflex's arguments, and the testimony of Teleflex's declarants, my opinions on the invalidity of the Teleflex Patents remain the same.

II. Claim Construction

A. "interventional cardiology devices"

3. The opinions in this section generally relate to at least the following IPRs:

[1] Citations to exhibits refer to exhibits filed in IPR2020-00126, unless noted otherwise. I understand that most of Patent Owner's and Petitioners' exhibits are numbered consistently across all seven IPRs.

- IPR2020-00126 (’032 patent)
- IPR2020-00127 (’032 patent)
- IPR2020-00128 (’380 patent)
- IPR2020-00130 (’380 patent)
- IPR2020-00135 (’776 patent)

4. I am aware that when the Board instituted the IPR2020-00126 ’032 petition it considered whether the limitation “interventional cardiology devices” required that “all four enumerated devices (guidewires, balloon catheters, stents and stent catheters)” be insertable into the lumen of the claimed “device for use with a standard guide catheter.” I.D., Paper 22, 10-13 (IPR2020-00126). This limitation appears in independent claims 1 and 11. This limitation also appears in claims 1 and 12 of the ’380 patent. (*See* I.D., Paper 22, 9-11) (IPR2020-00128).

5. At institution, the Board determined that “interventional cardiology devices” refers to “at least two types of the devices selected from the group that includes but is not limited to guidewires, balloon catheters, stents, and stent catheters.” I.D., Paper 22, 12 (IPR2020-00126). Additionally, it determined that Medtronic demonstrated that the tubular portion of Itou’s catheter (2) has an inner diameter through which both guidewire (6) and distal end protective catheter (5) may be inserted. *Id*., 20.

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