

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MEDTRONIC, INC., AND MEDTRONIC VASCULAR, INC.
Petitioners,

v.

TELEFLEX INNOVATIONS S.A.R.L.
Patent Owner.

Case IPR2020-00127
Patent 8,048,032

PATENT OWNER SUR-REPLY TO PETITIONER'S REPLY

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I. Introduction

Kontos discloses a specific device designed for a specific purpose: a “support catheter” having a narrow tube to protect delicate, fixed-wire balloon catheters from kinking during use. Kontos’s device had a deliberately asymmetric exterior, with a proximal protrusion to accommodate secure attachment of a pushwire and to provide “leverage,” a distal marker band and soft tip covering, and a proximal funnel structure.

The Petition posited one allegedly-obvious change to Kontos’s support catheter: replacement of the proximal funnel with an angled side opening. But after Patent Owner (“Teleflex”) pointed out numerous problems with this theory, Petitioner changed course, and now proposes *at least six significant additional modifications* to Kontos, along with new and different alleged motivations, to reach at the claimed invention. These new and unsupported theories are improper and fail on the merits.

The real-world facts confirm GuideLiner was not obvious. GuideLiner solved an undisputed long-felt need, was met with immediate commercial success and widespread industry acclaim, and was copied by competitors. *Petitioner does not dispute any of this*. Instead, Petitioner merely tries to argue that guide extension catheters (“GEC”) with the claimed features responsible for the success

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