

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.

IPR2020-00126, Patent 8,048,032 B2
IPR2020-00127, Patent 8,048,032 B2
IPR2020-00128, Patent RE45,380 E
IPR2020-00129, Patent RE45,380 E
IPR2020-00130, Patent RE45,380 E
IPR2020-00132, Patent RE45,760 E
IPR2020-00134, Patent RE45,760 E
IPR2020-00135, Patent RE45,776 E
IPR2020-00136, Patent RE45,776 E
IPR2020-00137, Patent RE47,379 E
IPR2020-00138, Patent RE47,379 E

Record of Oral Hearing
Held: March 8, 2021

Before SHERIDAN K. SNEDDEN, JON B. TORNQUIST, and
CHRISTOPHER G. PAULRAJ, *Administrative Patent Judges*.

IPR2020-00126, IPR2020-00127, IPR2020-00128, IPR2020-00129,
IPR2020-00130, IPR2020-00132, IPR2020-00134, IPR2020-00135,
IPR2020-00136, IPR2020-00137, IPR2020-00138

APPEARANCES:

ON BEHALF OF THE PETITIONER:

CYRUS A. MORTON, ESQUIRE
SHARON E. ROBERG-PEREZ, ESQUIRE
CHRISTOPHER A. PINAHS, ESQUIRE
EMILY J. TREMBLAY, ESQUIRE
Robins Kaplan LLP
800 LaSalle Avenue
Suite 2800
Minneapolis, Minnesota 55402

ON BEHALF OF THE PATENT OWNER:

J. DEREK VANDENBURGH, ESQUIRE
PETER KOHLEPP, ESQUIRE
JOSEPH WINKELS, ESQUIRE
TARA NOGARD, ESQUIRE
MEGAN E. CHRISTNER, ESQUIRE (LEAP Practitioner)
KEN LEVITT, ESQUIRE (of counsel)
Carlson, Caspers, Vandenburg & Lindquist, P.A.
225 South 6th Street
Minneapolis, Minnesota 55402

ALSO PRESENT:

Chad Hanson, Medtronic, Inc. and Medtronic Vascular, Inc.
Howard Cyr, Teleflex Innovations, S.A.R.L.
Dwayne Ritchie, Teleflex Innovations, S.A.R.L.
Greg Smock, Teleflex Innovations, S.A.R.L.

The above-entitled matter came on for hearing on Monday, March 8, 2021,
commencing at 9:04 a.m. EDT, by Webex.

IPR2020-00126, IPR2020-00127, IPR2020-00128, IPR2020-00129,
IPR2020-00130, IPR2020-00132, IPR2020-00134, IPR2020-00135,
IPR2020-00136, IPR2020-00137, IPR2020-00138

1 PROCEEDINGS

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3 JUDGE PAULRAJ: Good morning. This is the consolidated final
4 oral hearing in a series of inter partes reviews involving Petitioner Medtronic
5 and Patent Owner Teleflex, IPR 2020-00126, 127, 128, 129, 130, 132, 134,
6 135, 136, 137, and 138. I'm Judge Paulraj and also appearing via video
7 today will be Judge Tornquist and Judge Snedden. Let's start with
8 appearances starting with Petitioner's counsel first and then Patent Owner's
9 counsel.

10 MR. MORTON: Yes, Your Honor, this is Cy Morton for Petitioner
11 Medtronic. I have a number of people with me including other speakers
12 today will be Chris Pinahs and Sharon Roberg-Perez. I also have Emily
13 Tremblay with me and I believe we'll have our client representative Chad
14 Hanson on the phone.

15 JUDGE PAULRAJ: Okay, thank you, Mr. Morton. And I would ask
16 your co-counsel to introduce themselves when it's their turn to talk. So, and
17 I'm sure they'll be a lot of names that I'll have to try to remember during the
18 course of the day, but if they could re-introduce themselves when they
19 speak, that'd be helpful for me.

20 MR. MORTON: Of course, Your Honor.

21 JUDGE PAULRAJ: And then let's turn it over to Patent Owner's
22 counsel.

23 MR. VANDENBURGH: Yes, thank you, Your Honor. Derek
24 Vandenburg for Patent Owner. We also have a number of speakers and
25 other people involved today speaking. We will hear from Peter Kohlepp and
26 Joe Winkels and Megan Christner. I also have Ken Levitt here in the room

IPR2020-00126, IPR2020-00127, IPR2020-00128, IPR2020-00129,
IPR2020-00130, IPR2020-00132, IPR2020-00134, IPR2020-00135,
IPR2020-00136, IPR2020-00137, IPR2020-00138

1 with me and Tara Nogard of our firm on the line. And I believe on the dial-
2 in line we have Howard Cyr, Dwayne Ritchie, Greg Smock from Teleflex.

3 JUDGE PAULRAJ: All right, thank you, Mr. Vandenburg. You're
4 coming in a little bit muted. Is there a way you can get a little bit closer to
5 your microphone?

6 MR. VANDENBURGH: Is that any better?

7 JUDGE PAULRAJ: That is better, thank you.

8 MR. VANDENBURGH: Yes.

9 JUDGE PAULRAJ: So, again, I would ask your co-counsel,
10 especially if they're going to argue portions of the hearing today, to
11 reintroduce themselves so I can keep track of who's arguing during a
12 particular section. As I mentioned during the prehearing conference on
13 Friday, this will be a public hearing. And we do have a public line where
14 members of the public can dial in. I'm not sure how much of those will be
15 members of your client representatives versus true members of public. But
16 to the extent that confidential information will be discussed today, I would
17 ask counsel to let me know before we start discussing anything confidential
18 so we can mute the public line.

19 We're also in receipt of the parties' demonstratives and I have access
20 to the record in these cases. So, to make sure that the transcript is clear, I
21 would ask counsel to identify the specific slide number they're discussing
22 during their arguments so we can follow along. I know you cannot present
23 the demonstratives on your screen, but we have the demonstratives on our
24 respective screens and we'll follow along to whatever you're discussing. We
25 have also received the parties' objections to the other side's demonstratives.

IPR2020-00126, IPR2020-00127, IPR2020-00128, IPR2020-00129,
IPR2020-00130, IPR2020-00132, IPR2020-00134, IPR2020-00135,
IPR2020-00136, IPR2020-00137, IPR2020-00138

1 We'll take those objections under advisement, but we will not exclude
2 counsel from presenting arguments based on those demonstratives today.

3 I will generally remind the parties that demonstratives are not
4 evidence themselves and cannot be used to supplement the record.

5 Generally, unless there's a risk that a party may be getting into confidential
6 information while on the public line, I would ask counsel to refrain from
7 making objections until the end of the other side's arguments. As set forth in
8 our hearing order, we'll be dividing the hearing into three segments based on
9 the main issues that are going to be argued. We'll start with arguments on
10 conception and reduction to practice, or CRTTP, and each side will have
11 about 60 minutes to argue that issue with Patent Owner going first. Then
12 we'll get into the 102, 103 issues where each side will have 90 minutes to
13 argue those issues with Petitioner going first. And finally, we'll hear
14 arguments on the motion to amend with each side getting 30 minutes to
15 argue and Petitioner also going first on those arguments.

16 As set forth in our hearing order, each side may reserve some amount
17 of rebuttal or surrebuttal time for their respective arguments. But no more
18 than half the total time allocated for each argument section. We'll plan to
19 take a lunch break around 12:30 eastern for about an hour. We'll also take a
20 short 10 to 15-minute break between each segment, each argument segment.
21 And hopefully we'll wrap up by about 4:30, 4:45 or so Eastern.

22 I would like to remind the parties that if you aren't speaking, please
23 mute yourself so we don't hear any background noises during the arguments.
24 I'm hearing some feedback on the line right now, so, to the extent that you're
25 not muting -- you're not muted when you're not speaking please do so, so

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