

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.

IPR2020-00128

IPR2020-00129

**PATENT OWNER'S SUR-REPLY
ADDRESSING CONCEPTION AND REDUCTION TO PRACTICE**

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The GuideLiner was the first rapid exchange (“RX”) guide extension catheter (“GEC”) to improve backup support for delivery of stents and other interventional cardiology devices, including difficult cases. It was known that two full-length over-the-wire (“OTW”) catheters, *i.e.*, the “mother-and-child” approach, would provide backup support allowing interventional devices to navigate tortuous arteries and tough occlusions. The GuideLiner inventors built on that concept to create an innovative RX GEC. Although it took time to commercialize the device, it was apparent from early GuideLiner prototypes, including those built and tested in April and July 2005, that the invention worked for its intended purpose.

Petitioner makes two primary arguments in response. First, Petitioner attempts a “gotcha”, asking the Board to ignore Patent Owner’s (“Teleflex”) evidence and argument based solely on procedure. This argument cannot prevail in the context of this unique case. Second, Petitioner argues that Teleflex’s evidence is not sufficiently corroborated. This argument fails the rule of reason test. Because Petitioner cannot meet its burden to show that Itou antedates the GuideLiner patents, its challenge on conception and reduction to practice (“CRTP”) fails.

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