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.

PATENT OWNER RESPONSE

Case IPR2020-00128 Patent RE 45,380



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TABLE OF AUTHORITIES

Cases

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In re Schreiber, 128 F.3d 1473 (Fed. Cir. 1997)
Institut Pasteur v. Focarino, 738 F.3d 1337 (Fed. Cir. 2013)
Intri-Plex Techs. Inc. et al. v. Saint-Gobain Performance Plastics Rencol Ltd., IPR2014-00309, Paper 83 (PTAB Mar. 23, 2014)
Jack Guttman, Inc. v. Kopykake Enters., 302 F.3d 1352 (Fed. Cir. 2002)
Lectrosonics, Inc. v. Zaxcom, Inc., IPR2018-01129, Paper 333 (PTAB Jan. 24, 2020)
Lucia v. SEC, 138 S. Ct. 2044 (2018)66
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