

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MEDTRONIC, INC. and MEDTRONIC VASCULAR, INC.,
Petitioners,

v.

TELEFLEX INNOVATIONS S.À.R.L.,
Patent Owner.

IPR2020-00126 (Patent 8,048,032 B2)
IPR2020-00128 (Patent RE45,380)
IPR2020-00129 (Patent RE45,380)
IPR2020-00132 (Patent RE45,760)
IPR2020-00134 (Patent RE45,760)
IPR2020-00135 (Patent RE45,776)
IPR2020-00137 (Patent RE47,379)

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

TORNQUIST, *Administrative Patent Judge*.

ORDER

Adjusting Word Counts for Briefing on Conception and
Reduction to Practice
37 C.F.R. § 42.5

IPR2020-00126 (Patent 8,048,032 B2)
IPR2020-00128, IPR2020-00129 (Patent RE45,380)
IPR2020-00132, IPR2020-00134 (Patent RE45,760)
IPR2020-00135 (Patent RE45,776)
IPR2020-00137 (Patent RE47,379)

In our Consolidated Scheduling Order, we set forth a separate briefing schedule for the issue of conception and reduction to practice in IPR2020-00126, -00128, -00129, -00132, -00134, -00135, and -00137. *See* IPR2020-00128, Paper 26.¹ In that Order, we authorized Patent Owner to file a Patent Owner Response of 5000 words addressing only the issue of conception and reduction to practice, authorized Petitioner to file a 2800 word Reply, and authorized Patent Owner to file a 2800 word Sur-reply. *Id.* at 3.

On October 7, 2020, we conducted a conference call with the parties to discuss (1) Petitioner's request to expand the word limits for Petitioner's Reply and (2) Petitioner's request to file a Sur-sur-reply. We orally granted both requests on the call. Accordingly, Petitioner may file a Reply of 5,000 words, Patent Owner may file a Sur-reply of 2,800 words, and Petitioner may file a Sur-sur-reply of 2,800 words. Petitioner's Sur-sur-reply is to be filed on or before Due Date 5. Paper 26, 15.

As explained during the call, no additional documentary or testimonial evidence is to be filed with Patent Owner's Sur-reply or Petitioner Sur-sur-reply, absent express authorization from the Board.

ORDER

It is:

ORDERED that Petitioner may file a 5,000 word Reply addressing Patent Owner's evidence of conception and reduction to practice, Patent

¹ We cite to the Paper numbers in IPR2020-00128. Similar Papers were filed in each of the above-captioned proceedings.

IPR2020-00126 (Patent 8,048,032 B2)
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IPR2020-00137 (Patent RE47,379)

Owner may file a 2,800 word Sur-reply, and Petitioner may file a 2,800 word Sur-sur-reply;

FURTHER ORDERED that the Due Dates set forth in the Consolidated Scheduling Order, as modified by the parties in Paper 32, remain unchanged and Petitioner's Sur-sur-reply is due on or before Due Date 5; and

FURTHER ORDERED that no documentary or testimonial evidence shall be filed with the Sur-reply or Sur-sur-reply, absent express authorization from the Board.

IPR2020-00126 (Patent 8,048,032 B2)
IPR2020-00128, IPR2020-00129 (Patent RE45,380)
IPR2020-00132, IPR2020-00134 (Patent RE45,760)
IPR2020-00135 (Patent RE45,776)
IPR2020-00137 (Patent RE47,379)

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