

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 IPR2020-00128
Patent RE45,380

PATENT OWNER SUR-REPLY TO PETITIONER'S REPLY

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I. Introduction

The challenged claims are directed to a guide extension catheter (“GEC”) with rapid exchange capability through which at least a defined set of “interventional cardiology devices” are insertable. Petitioner’s reliance on Itou, a suction catheter designed for an entirely different purpose, is unavailing. Petitioner does not persuasively explain why the Board should ignore the patent’s express definition of “interventional cardiology devices” as including at least guidewires, balloon catheters, stents, and stent catheters. Even under the Board’s preliminary construction, the Petition incorrectly relies on Itou’s protective catheter, which the patent itself makes clear is not an interventional cardiology device. What’s more, Itou’s protective catheter is inserted into Itou’s suction catheter only *outside* the body. Unlike GuideLiner, Itou does not receive anything *into* its proximal opening after it is loaded into a guide catheter.

Petitioner also raises an inherency argument for the first time in Reply. This is a transparent and improper attempt to belatedly gap-fill. And Petitioner’s new argument is not even supported by the new evidence.

Independent claim 1 of the ’380 patent requires that the tubular structure (defined by the flexible tip portion) include “a flexible cylindrical distal tip portion.” The distal tip portion of Itou’s suction catheter is not “cylindrical.” It is

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