

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

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

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IPR2020-00128  
Patent RE45,380

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**PETITIONERS MEDTRONIC, INC. AND MEDTRONIC VASCULAR,  
INC.'S  
NOTICE OF APPEAL UNDER 37 C.F.R. § 90.2(a)**

Pursuant to 35 U.S.C. §§ 141-144, 319, and 37 C.F.R. § 90.2(a), notice is hereby given that Petitioners Medtronic, Inc. and Medtronic Vascular, Inc. (“Medtronic”) appeal to the United States Court of Appeals for the Federal Circuit from the Final Written Decision (“Final Written Decision”) (Paper No. 127, dated June 7, 2021 (filed under seal); Paper No. 129, dated June 17, 2021 (redacted)), the Order denying Director review of the Final Written Decision (“Order Denying Director Review”) (Paper No. 132, dated August 27, 2021), and the Order denying review by the Precedential Opinion Panel (“Order Denying POP Review”) (Paper 133, dated September 8, 2021), all entered by the United States Patent and Trademark Office, Patent Trial and Appeal Board (“Board”) in IPR2020-00128, and from all underlying orders, decisions, rulings, and opinions. Copies of the Final Written Decision, the Order Denying Director Review, and the Order Denying POP Review are attached hereto as Exhibits A1 (filed under seal), A2 (redacted), B, and C.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Medtronic further indicates that the issues on appeal may include, but are not limited to, whether the Board erred in determining that claims 1-4, 6-10, 12-21, and 23 of U.S. Patent Number RE45,380 were not shown to be unpatentable under 35 U.S.C. § 102 or § 103, any findings supporting or related to the Board’s determination, and all other issues decided adversely to Medtronic in any order, decision, ruling and/or opinion,

including but not limited to the Board's failure to properly consider evidence of record, the Board's legal errors in undertaking the anticipation and obviousness analyses, and the Board's findings that conflict with the evidence of record and are not supported by substantial evidence.

Simultaneous with this submission, a copy of this Notice of Appeal is being filed through the Patent Trial and Appeal Board End to End ("PTAB E2E") System. In addition, a copy of the Notice of Appeal, along with the required docketing fee, is being filed with the Clerk of Court for the United States Court of Appeals for the Federal Circuit.

Dated: September 27, 2021

Respectfully submitted,

/s/ Cyrus A. Morton

Cyrus A. Morton

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*Attorney for Petitioner*

## CERTIFICATE OF SERVICE

I hereby certify that on this September 27, 2021, a copy of Petitioners Medtronic, Inc. and Medtronic Vascular, Inc.'s Notice of Appeal Under 37 C.F.R. § 90.2(a) was served in its entirety by electronic mail on Patent Owner's counsel at the following addresses included in Patent Owner's Mandatory Notices:

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Dated: September 27, 2021

Respectfully submitted,  
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**Attorney for Petitioners**

# **EXHIBIT A1**

## **(Redacted in Full)**

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