

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.,  
Petitioner,

v.

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

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Case No. IPR2020-00128  
Case No. IPR2020-00129  
Case No. IPR2020-00130  
U.S. Patent No. RE45,380

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**PETITIONER'S OPPOSITION  
TO PATENT OWNER'S MOTION TO AMEND**

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## **I. INTRODUCTION**

Medtronic, Inc., and Medtronic Vascular, Inc., (“Petitioner”) oppose Patent Owner’s Contingent Motion to Amend (Paper 38, “Mot.”). Patent Owner (“PO”) seeks to amend claims 1 and 12 and proposes substitute claims 43 and 44. (Mot., 1, Appendix A (“App.”).) But the substitute claims are indefinite and unpatentable over the prior art. PO’s Motion should be denied.

## **II. PROPOSED CLAIM 44 IS INDEFINITE.**

Proposed claim 44 recites “a substantially rigid portion . . . *connected to* . . . the flexible tip portion,” even though the claim recites an intervening “reinforced portion.” (App., 3-5.)<sup>1</sup> Based on the plain meaning of the word “connected,” the claim makes little sense and is indefinite.

## **III. THE PRIOR ART RENDERS PROPOSED CLAIMS 43 AND 44 UNPATENTABLE.**

PO’s motion should be denied for another independent reason—the substitute claims are unpatentable over the prior art.

### **A. Claim Construction**

No express construction for any terms is necessary except that the term “coaxial” means that “the axis of the lumen of the guide extension catheter is aligned

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<sup>1</sup> All emphasis and annotations are added unless otherwise specified.

in the same direction as the axis of lumen of the guide catheter.”  
(Ex. 1806, ¶¶ 14-26.)

**B. Substitute claims 43 and 44 are unpatentable over Itou in view of Ressemann or Kataishi.**

Substitute claims 43 and 44 add to the original claims certain limitations (*e.g.*, the so-called “backup support” and “complex side opening”). (Mot., 13, 15.) But these additions cannot overcome the prior art of record. The analysis below focuses on the newly added limitations while briefly addressing the original limitations, which are thoroughly addressed by the original Petitions challenging the ’380 patent and supporting testimonial evidence.

**1. Substitute Claim 43**

Itou anticipates claim 43 or renders it obvious in view of Ressemann. Itou discloses a system comprising a suction catheter 2 (“device”) adapted for use with a guiding catheter 1 (“guide catheter”). (Ex. 1007, 5:35-38, 5:43-46, 7:1-23, 7:35-43, Figs. 5-6, 8.) There is no dispute the guiding catheter 1 is placed in a branch artery and has a continuous lumen with a proximal end at a hemostatic valve, and interventional cardiology devices can be inserted therethrough. (Ex. 1902, ¶¶ 13-18, 49.) Moreover, guiding catheter 1 can be 6 French and has an inner diameter of 1.8 mm (0.071 inches). (Ex. 1007, 5:65-67, 6:47-50; Ex. 1902, ¶ 19, 49.)

Itou’s suction catheter 2 (*i.e.* “a device”) includes tubular portion (21) and tip (22) (collectively, “flexible tip portion”) that are part of tubular member (24).

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