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 IPR2020-00132 Patent RE 45,760

PATENT OWNER RESPONSE



TABLE OF CONTENTS

I.	INTI	RODU	CTION	١		1		
II.	BAC	CKGROUND						
III.	PERSON OF ORDINARY SKILL IN THE ART							
IV.	PETITIONER HAS NOT SHOWN THAT CLAIMS 32 AND 39 OF THE '760 PATENT ARE INVALID							
	A.	Obvi	GROUND 2: Petitioner Fails to Show that Claims 32 and 39 Are Obvious in View of Itou, Ressemann, and the Knowledge of a POSITA					
		1.	Itou (Ex-10	07)	9		
		2.	Resse	emann	(Ex-1008)	.11		
		3.	Clain	n 32		.17		
			a.	Resso	OSITA Would Not Be Motivated to Add emann's Support Collar to Itou's Proximal hing to Create a Segment Defining the Side hing Having "at least two inclined slopes"	.17		
				i.	A POSITA Would Not Be Motivated to Modify Itou Based on Ressemann's Fundamentally Different Embolic Protection Device	.19		
				ii.	Ressemann Undisputedly Does Not Disclose a Device with a Segment Defining a Side Opening that Includes "at least two inclined slopes"	_		
				iii.	The So-Called "Incline #1 in Ressemann's Support Collar Serves No Purpose in Ressemann	.29		
				iv.	The Purported "Motivations" Are Unsupported and Hindsight-Driven	.31		



		b.	Even if a POSITA Was Motivated to Combine Itou and Ressemann, the Resulting Combination Would Not Work and/or Would Not Satisfy the Claim Language	38		
		c.	Petitioner Fails to Show that the Itou/Ressemann Combination Would Result in the "not more than one French size smaller" Limitation	43		
	4.	Clain	1 39	45		
B.	GROUND 3: The Petition Does Not Show that Challenged Claim 32 Is Obvious In View of Itou, Kataishi, and the Knowledge of a POSITA					
	1.	Katai	shi (Ex-1025)	49		
	2.		oner's Arguments Based on Kataishi's Distal ing are Unsupported	51		
C.	GROUND 4: The Petition Does Not Show that Claim 32 Is Obvious in View of Itou, Enger, and the Knowledge of a POSITA					
	1.	_	r Does Not Show an Opening with Two Inclined	54		
	2.		oner's Proffered Motivation to Combine Is amentally Flawed	57		
D.	The Repeated Copying of GuideLiner's Complex Side Opening Supports the Conclusion that Challenged Claim 32 Was Not Obvious					
	1.		on Scientific and QXMédical Copied Version 1 of eLiner	61		
	2.	Petiti	oner Medtronic Copied Version 3 of GuideLiner	64		
E.			TION SHOULD BE DENIED BECAUSE INTER EVIEW IS UNCONSTITUTIONAL	68		
NICI I	LICION	·Τ		6 0		



CERTIFICATE OF WORD COUNT COMPLIANCE	70
CERTIFICATION OF SERVICE	71



TABLE OF AUTHORITIES

Cases

Arthrex, Inc. v. Smith & Nephew, Inc., 941 F.3d 1320 (Fed. Cir. 2019)	67
In re Anova Hearing Labs, Inc., 809 F. App'x 840 (Fed. Cir. 2020)	35
Intri-Plex Techs. Inc. et al. v. Saint-Gobain Performance Plastics Rencol Ltd., IPR2014-00309, Paper 83 (PTAB Mar. 23, 2014)	
Lucia v. SEC, 138 S. Ct. 2044 (2018)	67
Personal Web Techs., LLC v. Apple, Inc., 848 F.3d 987 (Fed. Cir. 2017)	41
Securus Techs., Inc. v. Glob. Tel*Link Corp., 701 F. App'x 971 (Fed. Cir. 2017)	52
Stryker Corp. v. Intermedics Orthopedics, Inc., 96 F.3d 1409 (Fed. Cir. 1996)	65
Stryker Corp. v. Karl Storz Endoscopy America, Inc., IPR2015-00764, Paper 13 (PTAB Sept. 2, 2015)	35
Wyers v. Master Lock Co., 616 F.3d 1231 (Fed. Cir. 2010)	60



DOCKET

Explore Litigation Insights



Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time** alerts and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.

