

Paper No. _____

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MEDTRONIC, INC.

Petitioner,

v.

TELEFLEX INNOVATIONS S.À.R.L.,

Patent Owner

Case No: IPR2020-00132
U.S. Patent No. RE45,760E

PETITIONER'S REPLY

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I. INTRODUCTION

Patent Owner (“PO”) does not and cannot refute that Itou discloses each limitation of 17 of the 20 challenged claims (*Compare* Paper 1 (“Pet.”), 19-21 *with* Paper 44 (“POR”), 9-10), which are invalid as anticipated. PO only attempts to refute evidence that claims 32 and 39 are obvious. POR, 9-17. To do so, however, it must argue that a POSITA would never look to the teachings of one coronary catheter designed to remove unwanted material from the coronary vasculature, Ressemann (Ex-1008), to inform as to the use of a second, Itou (Ex-1007), which has exactly the same purpose. Itou and Ressemann are clearly analogous art, as obviousness inquiries properly take into account the “inferences and creative steps that a person of ordinary skill in the art would employ.” *KSR Int’l Co. v. Teleflex, Inc.* 550 U.S. 398, 418 (2007).

II. GROUND 1: PO DOES NOT CHALLENGE THAT ITOU ANTICIPATES CLAIMS 25-31, 33-38, 41-42, 44 AND 47.

As set forth in Paper 78, Itou is prior art.

III. GROUND 2: ITOU IN VIEW OF RESSEMANN RENDERS CLAIMS 32, 39 AND 40 OBVIOUS.

A. PO does not challenge Medtronic’s evidence on the obviousness of claim 40.

Similar to ground 1, PO has not challenged the disclosure of the art asserted against claim 40. It is obvious to use an “elongate balloon catheter,” as taught in Ressemann, with Itou’s catheter 2, as set forth in the Petition.

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