

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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**PATENT OWNER'S CONSOLIDATED RESPONSE ADDRESSING  
CONCEPTION AND REDUCTION TO PRACTICE**

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## **I. INTRODUCTION**

This consolidated brief is submitted in response to the consolidated scheduling order authorizing the parties to file consolidated briefs specifically addressing the issues of conception and reduction to practice that are relevant to IPR2020-00126, -00128, -00129, -00132, -00134, -00135 and -00137. The patents at issue are collectively referred to as “the GuideLiner patents.”

These IPRs all rely, in whole or in part, on U.S. Patent No. 7,736,355 (“Itou”), which Medtronic asserts is prior art under 35 U.S.C. §102(e) based on an effective filing date of September 23, 2005. Itou is not prior art to the GuideLiner patents. The evidence shows that between January and August 2005, the inventors and others working on their behalf built and tested GuideLiner prototypes and confirmed they would work for their intended purpose. Corroborating the success of this testing, a decision was made in August 2005 to move forward with commercializing the GuideLiner. Thus, the fully corroborated facts demonstrate that the GuideLiner patents were actually reduced to practice prior to the effective filing date of the Itou reference. Moreover, although not necessary to pre-date Itou, diligent work on GuideLiner continued from September 2005 to the filing of its original priority application on May 3, 2006, thus providing an additional basis to conclude that Itou is not prior art.

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