

Paper No. _____

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MEDTRONIC, INC., AND MEDTRONIC VASCULAR, INC.

Petitioner,

v.

TELEFLEX INNOVATIONS S.À.R.L.,

Patent Owner

Case No: IPR2020-00134
U.S. Patent No. RE45,760

PETITIONER'S REPLY

TABLE OF CONTENTS

	Page
TABLE OF CONTENTS	i
TABLE OF AUTHORITIES.....	iii
I. INTRODUCTION	1
II. GROUNDS 1-3: PO DOES NOT CHALLENGE ITOU’S DISCLOSURE, WHICH ANTICIPATES OR RENDERS OBVIOUS CLAIMS 48 AND 51-53.	2
III. GROUND 4: CLAIMS 48 AND 51-53 ARE RENDERED OBVIOUS BY RESSEMANN IN VIEW OF TAKAHASHI.....	2
A. Ressemann discloses a “tubular structure defining a lumen coaxial and in fluid communication with the lumen of the guide catheter.”	2
1. “Coaxial” means “the axis of the lumen of the guide extension catheter is aligned in the same direction as the axis of lumen of the guide catheter.”	2
2. Ressemann’s multi-lumen tube 138 defines evacuation lumen 140, which is coaxial and in fluid communication with the lumen of guiding catheter 160.	9
B. Ressemann in view of Takahashi renders obvious claims 48 and 51-53.....	11
C. PO does not separately challenge that claim 52 is obvious in view of Ressemann and the knowledge of a POSITA.	15
IV. PO ASSERTS SECONDARY CONSIDERATIONS BASED UPON SOMETHING IT DID NOT INVENT—A RAPID-EXCHANGE VERSION OF A GUIDE EXTENSION CATHETER.....	16
A. Mother-in-child and Rx devices were well known, and so was the combination.	17
B. PO’s secondary considerations evidence all relates to prior art features and functionality.	18

V. CONCLUSION.....23

TABLE OF AUTHORITIES

Page(s)

Cases

<i>Amazon.com, Inc. v. Barnesandnoble.com, Inc.</i> , 239 F.3d 1343 (Fed. Cir. 2001)	18
<i>In re Kao</i> , 639 F.3d 1057 (Fed. Cir. 2011)	16, 19, 20
<i>Johns Hopkins Univ. v. Datascope Corp.</i> , 543 F.3d 1342 (Fed. Cir. 2008)	20
<i>Ormco Corp. v. Align Tech., Inc.</i> , 463 F.3d 1299 (2006).....	18
<i>Raytheon Co. v. Sony Corp.</i> , 727 F. App'x 662 (Fed. Cir. 2018)	12
<i>Sakraida v. Ag Pro, Inc.</i> , 425 U.S. 273 (1976).....	16
<i>W.M. Wrigley Jr. Co. v. Cadbury Adams USA LLC</i> , 683 F.3d 1356 (Fed. Cir. 2012)	19
<i>ZUP, LLC v. Nash Mfg., Inc.</i> , 896 F.3d 1365 (Fed. Cir. 2018)	17

I. INTRODUCTION

The evidence in the Petition establishes that Itou (Grounds 1-3) and Ressemann (Ground 4) anticipate or render obvious claims 48 and 51-53. PO does not dispute any of the evidence cited in Grounds 1-3, focusing its substantive response solely on Ground 4.

PO also cannot dispute that Ressemann discloses a guide extension catheter (“GEC”) that “is passed through the lumen of a guide catheter, advanced beyond the distal end of the guide catheter, and inserted into a branch artery of the aorta,” or that Ressemann’s assembly 100 “facilitate[s] delivery of stents and balloon catheters.” *Compare* Paper 41 (“POR”), 4, *with* Ex-1608, Figs. 6A-6I. Instead, it focuses on two claimed features, each of which is unremarkable and well known in the art.

First, PO argues that Ressemann does not disclose a guide extension catheter with a lumen “coaxial” to the guide catheter lumen, relying on an understanding that would require a perfect overlap in the axes. PO’s own witness testimony and documents, however, confirm the accuracy of Medtronic’s position that coaxial means “the axis of the lumen of the guide extension catheter is aligned in the same direction as the axis of lumen of the guide catheter.”

Second, PO argues that a POSITA would not be motivated to modify Ressemann to achieve a “one French size” differential with the guide catheter. For

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.