

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. IPR2020-00132

Case No. IPR2020-00134

U.S. Patent No. RE45,760

---

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

**TABLE OF CONTENTS**

	<b>Page</b>
I. Introduction.....	1
II. Proposed Claims 54-56 and 58 Lack Written Description Support.....	1
A. Claims reciting a side opening outside of the substantially rigid portion lack support.....	1
III. Proposed Claim 58 is a Broadening Amendment .....	11
IV. The Prior Art Renders Proposed Claims 54-58 Unpatentable .....	11
A. Claim Construction.....	11
B. Substitute Claims 54-55 Are Unpatentable Over Itou .....	11
1. Substitute Claim 54 .....	11
2. Substitute Claim 55 .....	12
C. Substitute Claims 56-58 Are Unpatentable Over Itou in View of Ressemann Or Itou in View of Ressemann and Kataishi .....	13
1. Substitute Claim 56.....	13
2. Substitute Claim 57.....	23
3. Substitute Claim 58.....	25
D. Substitute Claims 54-58 Are Unpatentable Over Kontos in View of Ressemann and Takahashi .....	26
1. Substitute Claim 54.....	26
2. Substitute Claim 55.....	31
3. Substitute Claim 56.....	31
4. Substitute Claim 57.....	32
5. Substitute Claim 58.....	34
E. Substitute Claims 54-58 Are Unpatentable Over Kontos in View of Ressemann, Takahashi, and Kataishi.....	35
V. Conclusion .....	35

**TABLE OF AUTHORITIES**

	<b>Page(s)</b>
<b>Federal Cases</b>	
<i>Gentry Gallery, Inc. v. Berkline Corp.</i> , 134 F.3d 1473 (Fed. Cir. 1998) .....	5
<i>ICU Med., Inc. v. Alaris Med. Sys., Inc.</i> , 558 F.3d 1368 (Fed. Cir. 2009) .....	10
<i>KSR Int’l Co. v. Teleflex, Inc.</i> , 550 U.S. 398 (2007).....	19
<i>PowerOasis Inc. v. T-Mobile USA, Inc.</i> , 522 F.3d 1299 (Fed. Cir. 2008) .....	5
<i>In re Schreiber</i> , 128 F.3d 1473 (Fed. Cir. 1997) .....	12
<i>In re Schreiber</i> , 128 F.3d at 1447 .....	31
<i>Tronzo v. Biomet, Inc.</i> , 156 F.3d 1154 (Fed. Cir. 1998) .....	5

## I. INTRODUCTION

Medtronic, Inc., and Medtronic Vascular, Inc., (“Petitioner”) opposes Patent Owner’s Contingent Motion to Amend (Paper 38, “Mot.”). Patent Owner (“PO”) seeks to amend claims 37-39, 48, and 51 and proposes substitute claims 54-58. (Mot., 1, Appendix A (“App.”).) But the substitute claims are not supported by the original disclosure and are unpatentable over the prior art. PO’s Motion should be denied for all these reasons.

## II. PROPOSED CLAIMS 54-56 AND 58 LACK WRITTEN DESCRIPTION SUPPORT.

### A. Claims reciting a side opening outside of the substantially rigid portion lack support.

Claim 25, from which substitute claims 54-56 depend, recites a “guide extension catheter including, *in a proximal to distal direction*, a substantially rigid segment, a segment defining a side opening, and a tubular structure.” (Ex. 1001, 13:53-57.)<sup>1</sup> Similarly, substitute claim 58 recites a “guide extension catheter including, *in a proximal to distal direction*, a substantially rigid rail structure segment, a segment defining a side opening, and a tubular structure comprising a reinforced portion and a cylindrical distal tip portion.” (App., 5.) A POSITA would understand that claims 54-56 and 58 require a side opening *segment* that is separate

---

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

from (distal to) the substantially rigid segment. (Ex. 1919, ¶¶ 53-56; *see also* Mot., 6 (“The claim need not expressly recite that the side opening segment is in the substantially rigid segment.”).) But the written description exclusively and repeatedly describes the side opening as *part of* the substantially rigid segment of the claimed device. Thus, substitute claims 54-56 and 58 should be rejected for lack of written description.

The original patent application<sup>2</sup> describes the invention as a device that is used with “standard guide catheters” in “interventional cardiology procedures.” (Ex. 1842, 7-8.) The claims of the original patent application (and the proposed claims here) are generally directed to the “coaxial guide catheter” described in the specification. (*See, e.g., id.*, 38-44; *see also* POR, 4 (also describing the invention as a “guide extension catheter”).) This coaxial guide catheter is consistently described as being made of three distinct portions: “a tip portion, a reinforced portion, and a substantially rigid portion.” (Ex. 1842, 9; *see also id.*, 16 (alternatively describing the final section as a “rigid portion 20”).) Each of these portions has a specified composition—the tip portion is “a low durometer polymer

---

<sup>2</sup> Petitioners cite the parent patent application—the ’629 application (issued as the ’032 patent)—as the parties have stipulated that each application in the priority chain contains substantively identical disclosures. IPR2020-00132, Paper 38, 3 n.1.

# 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.