

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 IPR2020-00134
Patent RE 45,760

PATENT OWNER'S OBJECTIONS PETITIONERS' DEMONSTRATIVES

Pursuant to the Board’s February 16, 2021 Order Setting Oral Argument, Patent Owner hereby submits the following objections to Petitioners’ demonstratives. Patent Owner met and conferred in good faith with Petitioners on March 3, 2021 and the following objections could not be resolved.

I. Slide 189

Patent Owner objects to Petitioners’ demonstrative slide 189 as improper new evidence because Petitioners did not cite Ex-2238, 44:1-19 nor Ex-2224 in any of Petitioners’ papers related to 102/103 arguments on the issued claims but only in the MTA arguments.

“coaxial”

1	Figure 4 shows side-by-side lumens, correct?	06:12:52
2	A. Yes.	06:13:00
3	Q. Would a person of ordinary skill in the art	06:13:00
4	consider those two lumens to be coaxial with each	06:13:07
5	other?	06:13:12
6	A. So typically, when one is thinking about	06:13:12
7	coaxial, you want one inside the other. However,	06:13:28
8	if those are both inside a larger catheter, then	06:13:36
9	it's fair to call them coaxial lumens to the	06:13:45
10	larger catheter.	06:13:52
11	Q. So if those -- if this device is put inside a	06:13:56
12	guide catheter, you would call them coaxial?	06:14:02
13	A. Oh, if you put this --	06:14:09

17	THE WITNESS: If you put that inside	06:14:17
18	a guide catheter, I think cardiologists would	06:14:19
19	understand that the lumens inside are coaxial	06:14:25

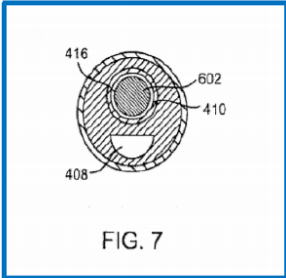


FIG. 7

IPR2020-00134, Ex-2224 (Fig. 7);
Ex-2238 (Brecker Tr), 44:1-19, Paper 114 at 6-7 189

DEMONSTRATIVE EXHIBIT—NOT EVIDENCE

II. Slide 208

Patent Owner objects to Petitioners’ demonstrative slide 208 as improper new evidence because Petitioners did not cite this declaration portion from Jones in

any of Petitioners' papers related to 102/103 arguments on the issued claims but only in the MTA arguments.

Modifying Itou with Ressemann Collar

124. While Itou and Ressemann do not report the area of each of their angled side openings, these areas can be estimated based on the figures and dimensions reported in each patent. I compared what the area of the opening would be based on the inner diameter of Itou's catheter 2, which is 1.5 mm. Ex-1007, Table 1, 7:60. To compare to Ressemann's support collar, I scaled Ressemann's support collar such that it has the same inner diameter of Itou. Since Ressemann's support collar's inner diameter is ~0.067 inches (1.7mm) (Ex-1008, 23:4), I scaled Ressemann's collar down by 12% to achieve the same 1.5 mm inner diameter.

IPR2020-00132, Ex-1807 (Jones Decl.)

DEMONSTRATIVE EXHIBIT—NOT EVIDENCE

208

III. Slide 244

Patent Owner objects to Petitioners' demonstrative slide 244's citation from Ex-1922 as improper new evidence because Petitioners did not cite this testimony from Keith in any of Petitioners' papers related to 102/103 arguments on the issued claims but only in the MTA arguments.

Kataishi – Expectation of Success

16 Q. Okay. So once you have that shape of the side
17 opening, your position here as a person of skill in the
18 art would know how to make that shape out of different
19 materials. I assume, including the materials of the
20 reinforced portion or tubular portion?
21 A. Sure. I think that's a possibility.

Ex-1764 (Keith Dep. Tr.), 31:16-21

tially equal to actual pump pressure when the cut surface 16 completely adsorbs the atheroma (AT), and enables suction of the lipid core (LC) in a vascular endothelium (ET). Thus, the concave cut surface or portion 161 may have any shape, as long as it is angled in an angled direction, i.e., a proximal direction. Generally, the concave cut portion 161 is formed so as to be gently concave so that atheroma can be covered and the gap minimized. The concave cut portion 161 is provided at least partially on the proximal end side of the cut surface 16. More specifically, the concave portion 161 may

Ex-1025 (Kataishi), ¶ [0027]

6 Q. Right, once you know the shape from Kataishi.
7 And I know you're going to dispute motivation and
8 whatnot, but I'm just saying, from an engineering
9 standpoint, once you have the shape, can you make
10 the Itou collar in that shape?
11 A. Well, I think you'd have to make it longer,
12 for one, to really have room for that. So could
13 you make it longer? I suppose you could make it
14 longer.
15 Again, you're right; I will dispute
16 that there's any motivation to do that. But I
17 think one could say, I want to put a different
18 shape. I think one could do that. Again, I don't
19 think there's any motivation to do that, certainly
20 not from this reference.

Ex-1922 (Keith Dep. Tr.), 66:6-20

DEMONSTRATIVE EXHIBIT—NOT EVIDENCE

244

IV. Slide 389

Patent Owner objects to Petitioners' demonstrative slide 389 as improper new evidence because Petitioners did not cite this declaration portion from Jones in any of Petitioners' papers related to 102/103 arguments on the issued claims but only in the MTA arguments.

IPR2020-00127, -00130: Jones Testimony

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2 BEFORE THE PATENT TRIAL AND APPEAL BOARD
3 METRONIC, INC., AND METRONIC
4 TRACTELAS, INC.,
5 Petitioners,
6 vs.
7 TELEFLEX INNOVATIONS S.A.R.L.,
8 Patent Owner.9 IPR2020-00124 (Patent 8,048,032 B2)
10 IPR2020-00127 (Patent 8,048,032 B2)
11 IPR2020-00128 (Patent 8045,160 E)
12 IPR2020-00129 (Patent 8045,180 E)
13 IPR2020-00130 (Patent 8045,180 E)
14 IPR2020-00131 (Patent 8045,760 E)
15 IPR2020-00134 (Patent 8045,760 E)
16 IPR2020-00135 (Patent 8045,776 E)
17 IPR2020-00136 (Patent 8045,776 E)
18 IPR2020-00137 (Patent 8047,379 E)
19 IPR2020-00138 (Patent 8047,379 E)

15 VOLUME 11
16 REMOTE VIDEOTAPE DEPOSITION OF
17 MICHAEL JONES
18 DATE: January 29, 2021
19 TIME: 9:09 a.m. (PACIFIC)
20 PLACE: VeriWest Virtual Videoconference
21
22
23 HOURS: 1 to 1:45
24 JOB NO.: MW 4402661
25 REPORTED BY: Marilee Johnson, RDR, CSR, CMC, RGA

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Page 1 Teleflex Ex. 2241
Metronic v. Teleflex IPR2020-00127

6 Q. Okay. And you don't see any
7 inconsistencies by saying that one of ordinary
8 skill in the art would pound Kontos's wire flat,
9 even though with respect to another piece of prior
10 art, you criticized that prior art because that
11 prior art pounds the wire flat.
12 A. Yeah. Because the -- again, I stand by
13 that statement. The difference in producing a flat
14 spot in a very short distance, as shown in Itou,
15 and the difference between creating a flat
16 cross-section in -- as shown in the Figure 179 is
17 rather substantial.
18 There's a whole lot less work -- or
19 work-hardening in the relatively large size that's
20 been flattened versus the very end that's
21 flattened.

Ex-2241, 133:6-21 (Jones)

DEMONSTRATIVE EXHIBIT—NOT EVIDENCE

389

Dated: March 7, 2021.

Respectfully submitted,

/J. Derek Vandenburg /

J. Derek Vandenburg (Lead Counsel)

Registration No. 32,179

Carlson, Caspers, Vandenburg

& Lindquist, P.A.

225 South Sixth Street, Suite 4200

Minneapolis, MN 55402

Telephone: (612) 436-9600

Facsimile: (612) 436-9650

Email:

DVandenburg@carlsoncaspers.com

Lead Counsel for Patent Owner

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