

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.

IPR2020-00135

**PATENT OWNER'S SUR-REPLY
ADDRESSING CONCEPTION AND REDUCTION TO PRACTICE**

TABLE OF CONTENTS

I.	Petitioner Bears the Burden of Persuasion	2
II.	GuideLiner’s Priority is Amply Corroborated	3
	A. Conception.....	3
	B. Reduction to Practice.....	5
	1. VSI Built the April and July GuideLiner Prototypes.....	5
	2. The April and July 2005 GuideLiner Prototypes Were Tested and Shown to Work for Their Intended Purpose	9
III.	Diligence.....	12
IV.	Petitioner’s Reply Confirms There is No Substantial Dispute That the ‘776 Patent Claims Cover the Prototypes.....	12
	A. Attachment of Proximal and Distal Sections (Claims 25, 37, 41, 48, 52-53).....	15
	B. “Tip Portion” (Claims 44).....	15
	C. “Resist Axial and Shear Forces” (Claims 49)	16
	D. “Segment Defining a Partially Cylindrical Opening” (Claims 25-27, 33, 48, 52-53, 55)	17
	E. “One French Size Smaller” (Claims 30, 53)	17
	F. “Inner Size of the Lumen Being Greater than the Outer Size of the Substantially Rigid Segment” (Claim 43).....	18
V.	Petitioner’s Procedural Challenge Fails	18
	CERTIFICATE OF WORD COUNT COMPLIANCE.....	21
	CERTIFICATION OF SERVICE.....	22

TABLE OF AUTHORITIES

Cases

<i>Compass Bank v. Intellectual Ventures II, LLC</i> , IPR2014-00786, Paper 46 (PTAB Sept. 23, 2015).....	10
<i>Cooper v. Goldfarb</i> , 154 F.3d 1321 (Fed. Cir. 1998)	8
<i>DSL Dynamic Scis., Ltd. v. Union Switch & Signal, Inc.</i> , 928 F.2d 1122 (Fed. Cir. 1991)	11
<i>Dynamic Drinkware, LLC v. Nat’l Graphics, Inc.</i> , 800 F.3d 1375 (Fed. Cir. 2015)	2
<i>E.I. du Pont de Nemours & Co. v. Unifrax I LLC</i> , 921 F.3d 1060 (Fed. Cir. 2019)	6, 8
<i>Fleming v. Escort Inc.</i> , 774 F.3d 1371 (Fed. Cir. 2014)	8
<i>Fox Grp., Inc. v. Cree, Inc.</i> , 700 F.3d 1300 (Fed. Cir. 2012)	3
<i>Green Cross Corp. v. Shire Human Genetic Therapies, Inc.</i> , IPR2016-00258, Paper 89 (PTAB Mar. 22, 2017)	2
<i>In re Stempel</i> , 241 F.2d 755 (C.C.P.A. 1957)	9, 17
<i>Intellectual Ventures II LLC v. Motorola Mobility LLC</i> , 692 F. App’x 626 (Fed. Cir. 2017)	8
<i>Loral Fairchild Corp. v. Matsushita Elec. Indus.</i> , 266 F.3d 1358 (Fed. Cir. 2001)	6, 10, 11
<i>Mahurkar v. C.R. Bard, Inc.</i> , 79 F.3d 1572 (Fed. Cir. 1996)	2, 3
<i>Medichem, S.A. v. Rolabo, S.L.</i> , 437 F.3d 1157 (Fed. Cir. 2006)	3

..

<i>Motorola Mobility LLC v. Intellectual Ventures II LLC</i> , IPR2014-00504, Paper 84 (PTAB Mar. 13, 2020)	2
<i>NFC Tech, LLC v. Matal</i> , 871 F.3d 1367 (Fed. Cir. 2017)	6, 8
<i>Pfizer, Inc. v. Genentech, Inc.</i> , IPR2017-01488, Paper 87 (PTAB, Nov. 29, 2018)	9, 16
<i>Research in Motion Corp. v. Multimedia Ideas LLC</i> , IPR2013-00036, Paper 15 (PTAB Mar. 18, 2013)	18
Other Authorities	
37 CFR §42.6(a)(3)	18, 19

The GuideLiner was the first rapid exchange (“RX”) guide extension catheter (“GEC”) to improve backup support for delivery of stents and other interventional cardiology devices, including difficult cases. It was known that two full-length over-the-wire (“OTW”) catheters, *i.e.*, the “mother-and-child” approach, would provide backup support allowing interventional devices to navigate tortuous arteries and tough occlusions. The GuideLiner inventors built on that concept to create an innovative RX GEC. Although it took time to commercialize the device, it was apparent from early GuideLiner prototypes, including those built and tested in April and July 2005, that the invention worked for its intended purpose.

Petitioner makes two primary arguments in response. First, Petitioner attempts a “gotcha”, asking the Board to ignore Patent Owner’s (“Teleflex”) evidence and argument based solely on procedure. This argument cannot prevail in the context of this unique case. Second, Petitioner argues that Teleflex’s evidence is not sufficiently corroborated. This argument fails the rule of reason test. Because Petitioner cannot meet its burden to show that Itou antedates the GuideLiner patents, its challenge on conception and reduction to practice (“CRTP”) fails.

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