

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.: IPR2020-00135  
U.S. Patent No. RE 45,776

---

**PETITIONERS' REQUEST FOR ORAL ARGUMENT**

Pursuant to 37 C.F.R. § 42.70, Petitioner hereby respectfully requests oral argument. The Consolidated Scheduling Order (Paper 26) set one day, March 8, 2021, for oral argument. Petitioner believes a typical day includes six hours on the record. Accordingly, Petitioner respectfully requests a total of six hours for a one-day hearing according to the following schedule: (1) 30 minutes of argument per side regarding the consolidated conception and reduction to practice issues for the patents challenged in IPR2020-00126, -00128, -00129, -00132, -00134, -00135, and -00137, (2) two hours of argument per side regarding the instituted grounds of invalidity in all eleven instituted IPRs in IPR2020-00126, -00127, -00128, -00129, -00130, -00132, -00134, -00135, -00136, -00137, and -00138, and (3) 30 minutes of argument per side regarding Patent Owner's five unique contingent motions to amend.

Patent Owner has indicated it may seek a total of seven hours of argument/testimony, with six hours of argument and one hour of live testimony from Mr. Howard Root, an inventor, concerning the consolidated conception and reduction to practice issues. Petitioner opposes any request for live testimony. If the Board wishes to consider allowing live testimony, Petitioner believes the issue should be fully briefed before any ruling by the Board.

Petitioner does not oppose additional time, however. If the Board is considering allotting seven hours, for instance, Petitioner would use the additional

time to address the myriad of issues Patent Owner has raised on the instituted grounds. Petitioner's proposed time for conception and reduction to practice and motions to amend would remain the same.

Issues to be argued in this IPR:

1. Whether the inventors conceived and reduced to practice the various claimed inventions prior to the filing of the Itou reference;
2. A determination that the patent is not entitled to its claim of priority and is instead an AIA patent;
3. Whether claims 25-27, 29-33, 35-37, 41-45, and 47-49 are anticipated by U.S. Patent No. 7,736,355 ("Itou");
4. Whether claims 39 and 46 are rendered obvious by Itou in view of the knowledge of a POSITA;
5. Whether claims 36-37 and 52-56 are rendered obvious by Itou in view of U.S. Patent Application Publication No. 2005/0015073 ("Kataishi") and/or the knowledge of a POSITA;
6. Whether claims 32, 36-38, 46, 52-56 are rendered obvious by Itou in view of U.S. Patent No. 7,604,612 ("Ressemann") and/or the knowledge of a POSITA;
7. Whether claims 52-56 are rendered obvious by Itou in view of U.S. Patent No. 5,980,486 ("Enger") and/or the knowledge of a POSITA;

IPR2020-00135  
Patent RE 45,776

8. Patent Owner's Contingent Motion to Amend and Petitioners' Opposition to the same; and
9. Any issues raised by the parties in any filings contemporaneous with or subsequent to this Request.

Dated: January 28, 2021

Respectfully submitted,

*/Cyrus A. Morton/*

Cyrus A. Morton  
Reg. No. 44,954  
Robins Kaplan LLP  
2800 LaSalle Plaza  
800 LaSalle Avenue  
Minneapolis, MN 55402  
*Attorney for Petitioner*

**CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. § 42.6(e)(4), the undersigned certifies that on January 28, 2021, a copy of PETITIONERS' REQUEST FOR ORAL ARGUMENT was served in its entirety by electronic mail on Patent Owner's counsel at the following addresses indicated in Patent Owner's Mandatory Notices:

J. Derek Vandenburg, Reg. No. 32,179  
dvandenburg@carlsoncaspers.com

Dennis C. Bremer, Reg. No. 40,528  
dbremer@carlsoncaspers.com

Joseph W. Winkels  
jwinkels@carlsoncaspers.com

Peter M. Kohlhepp  
pkohlhepp@carlsoncaspers.com

Tara C. Norgard (pro hac vice pending)  
tnorgard@carlsoncaspers.com

Alexander S. Rinn (pro hac vice pending)  
pkohlhepp@carlsoncaspers.com

Megan E. Christner, Reg. No. 78,979  
mchristner@carlsoncaspers.com

Kenneth E. Levitt, Reg. No. 39,747  
levitt.kenneth@dorsey.com

Dated: January 28, 2021

Respectfully submitted,

/Cyrus A. Morton/

Cyrus A. Morton

Reg. No. 44,954