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
Case No. IPR2020-00136
U.S. Patent No. RE45,776

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

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I. INTRODUCTION

Medtronic, Inc., and Medtronic Vascular, Inc., ("Petitioner") opposes Patent Owner's Corrected Contingent Motion to Amend ("Mot."). Patent Owner ("PO") seeks to amend claims 27, 33, 37, 42, 43, 45, 47, and 56 and proposes substitute claims 58-65. (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 58-62 AND 65 LACK WRITTEN DESCRIPTION SUPPORT.

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

Claim 25 (from which substitute claims 58-60 depend), claim 52 (from which substitute claim 65 depends), and substitute claims 61-62 recite "[a] guide extension catheter for use with a guide catheter, comprising: a substantially rigid segment; a tubular structure . . . ; and a segment defining a partially cylindrical opening positioned between a distal end of the substantially rigid segment and a proximal end of the tubular structure." (Ex. 1001, 13:36-49, 15:15-28; App., 1-3.)[1] A POSITA would understand that claims 58-62 and 65 require a side opening *segment* that is separate from (distal to) the substantially rigid segment. (Ex. 1919, ¶¶ 57-65;

[1] All emphasis and annotations added unless otherwise specified.

see also Mot., 5 ("The claim need not expressly recite that the partially cylindrical opening 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, proposed claims 58-62 and 65 should be rejected for lack of written description.

The original patent application[2] 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 or elastomer"; the reinforced portion is made of PTFE, Pebax®, and may be

[2] Petitioner cites 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. (IPR2020-00135, Paper 38, 2 n.1.)

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