

1 UNITED STATES PATENT AND TRADEMARK OFFICE
2 BEFORE THE PATENT TRIAL AND APPEAL BOARD

3 MEDTRONIC, INC., AND MEDTRONIC
4 VASCULAR, INC.,

5 Petitioners,

6 vs.

7 TELEFLEX INNOVATIONS S.A.R.L.,

8 Patent Owner.

9 IPR2020-00126 (Patent 8,048,032 B2)
10 IPR2020-00127 (Patent 8,048,032 B2)
11 IPR2020-00128 (Patent RE45,380 E)
12 IPR2020-00129 (Patent RE45,380 E)
13 IPR2020-00130 (Patent RE45,380 E)
14 IPR2020-00132 (Patent RE45,760 E)
15 IPR2020-00134 (Patent RE45,760 E)
16 IPR2020-00135 (Patent RE45,776 E)
17 IPR2020-00136 (Patent RE45,776 E)
18 IPR2020-00137 (Patent RE47,379 E)
19 IPR2020-00138 (Patent RE47,379 E)

20 VOLUME II

21 REMOTE VIDEOTAPED DEPOSITION OF

22 MICHEAL JONES

23 DATE: January 20, 2021
24 TIME: 7:58 a.m. (Pacific)
25 PLACE: Veritext Virtual Videoconference

PAGES: 1 to 163
JOB NO.: MW 4402861
REPORTED BY: Merilee Johnson, RDR, CRR, CRC, RSA

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<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES (All appearing remotely via videoconference)</p> <p>2</p> <p>3 ON BEHALF OF THE PETITIONERS:</p> <p>4 ROBINS KAPLAN LLP BY: Christopher A. Pinahs, Esq. 5 Cyrus A. Morton, Esq. Shelley R. Gilliss, Ph.D. 6 800 LaSalle Avenue Suite 2800 7 Minneapolis, Minnesota 55402 Phone: (612) 349-8500 8 Email: CMorton@RobinsKaplan.com Email: CPinahs@RobinsKaplan.com 9 Email: SGilliss@RobinsKaplan.com 10</p> <p>11 ON BEHALF OF THE PATENT OWNERS:</p> <p>12 CARLSON, CASPERS, VANDENBURGH, LINDQUIST & SCHUMAN, PA 13 BY: Joseph W. Winkels, Esq. Peter M. Kohlhepp, Esq. 14 225 South Sixth Street Suite 4200 15 Minneapolis, Minnesota 55402 Phone: (612) 436-9600 16 Email: JWinkels@CarlsonCaspers.com Email: PKohlhepp@CarlsonCaspers.com 17</p> <p>18 ALSO APPEARED:</p> <p>19 Greg Smock (Teleflex) Peter Keith (Teleflex) 20 Justin Bond (Videographer) 21 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 EXHIBITS (Continued)</p> <p>2</p> <p>3 Exhibit 1015 Baim Article: Section VII: 30 Interventional Techniques</p> <p>4</p> <p>5 Exhibit 1025 United States Patent Application 53 6 Publication No. 2005/0015073 A1, 7 Publication Date: January 20, 8 2005</p> <p>9 Exhibit 1055 Sakurada Brochure: 65 10 Catheterization and 11 Cardiovascular Interventions, 12 dated November 2004</p> <p>13 Exhibit 1807 Declaration of Michael Jones 6 14 Submitted in Support of 15 Petitioner's Replies 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 3</p> <p>1 INDEX</p> <p>2</p> <p>3 WITNESS: MICHEAL JONES PAGE</p> <p>4 Examination by Mr. Winkels..... 5</p> <p>5 Examination by Mr. Pinahs.....161</p> <p>6</p> <p>7 CAUTION OR INSTRUCTIONS NOT TO ANSWER:</p> <p>8 Page 156, Line 13 9</p> <p>10 EXHIBITS</p> <p>11</p> <p>12 EXHIBITS FIRST REFERRED TO: PAGE</p> <p>13 Exhibit 1001 United States Patent No. 56 14 8,048,032 B@, Date of Patent: 15 November 1, 2011</p> <p>16 Exhibit 1007 United States Patent No. 22 17 7,736,355 B2, Date of Patent: 18 June 15, 2010</p> <p>19 Exhibit 1009 United States Patent No. 89 20 5,439,445, Date of Patent: August 21 8, 1995</p> <p>22 Exhibit 1010 Takahashi Brochure: 82 23 Catheterization and 24 Cardiovascular Interventions, 25 dated December 2004</p>	<p style="text-align: right;">Page 5</p> <p>1 (PROCEEDINGS, 01/20/2021, 9:58 a.m.) 2 THE VIDEOGRAPHER: Good morning. Today 3 is January 20, 2021. We're on the record at 4 7:58 a.m. Today we'll take the videotaped 5 deposition in Case No. IPR2020-00138. 6 This deposition is being held remotely. 7 Counsel, please state your appearance and 8 affiliation for the record. 9 MR. WINKELS: Good morning. On behalf 10 of patent owner, Joe Winkels with the Carlson 11 Caspers firm. Also with me from my firm is Peter 12 Kohlhepp. And on the line is Greg Smock from 13 Teleflex, as well as Pete Keith. 14 MR. PINAHS: Christopher Pinahs from 15 the Robins Kaplan law firm on behalf of the 16 petitioner, Medtronic. I'm also joined this 17 morning by my colleague Cyrus Morton and 18 Shelley Gilliss. 19 THE VIDEOGRAPHER: Thank you. Would 20 you please swear the witness. 21 MICHEAL JONES, 22 duly sworn, was examined and testified as follows: 23 EXAMINATION 24 BY MR. WINKELS: 25 Q. Good morning, Mr. Jones.</p>

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<p style="text-align: right;">Page 6</p> <p>1 A. Good morning.</p> <p>2 Q. Do you have Exhibit 1807 in front of you?</p> <p>3 (Exhibit No. 1807 was introduced.)</p> <p>4 A. Yes, I do. Hang on just a second. Let me</p> <p>5 open to that. Okay.</p> <p>6 Q. All right. And Exhibit 1807 is your</p> <p>7 declaration in this IPR matter, correct?</p> <p>8 A. That's correct.</p> <p>9 Q. Okay. And I'm going to try to start where</p> <p>10 we kind of left off on Monday, and we'll keep going</p> <p>11 through your declaration as we did on Monday.</p> <p>12 Does that sound okay?</p> <p>13 A. Yes, it does.</p> <p>14 Q. All right. And, likely, I will also move</p> <p>15 the exhibits into the Exhibits folder on the</p> <p>16 Exhibit Share. Do you have the Exhibit Share up,</p> <p>17 Mr. Jones?</p> <p>18 A. Yes. Yes, I do.</p> <p>19 Q. Okay. And just to make sure we're seeing</p> <p>20 the same things. If you go into the Marked</p> <p>21 Exhibits folder, do you see your declaration there</p> <p>22 now, 1807?</p> <p>23 A. Yes, I do.</p> <p>24 Q. Okay. Perfect. So if you could turn to</p> <p>25 page 49 of your declaration. It's around</p>	<p style="text-align: right;">Page 8</p> <p>1 in that alternative combination?</p> <p>2 A. Yes, I would.</p> <p>3 Q. Okay. Now, at paragraph 124 of your</p> <p>4 declaration, in that first sentence of</p> <p>5 paragraph 124 you're discussing Itou and Ressemann.</p> <p>6 And you say, "...these areas can be estimated based</p> <p>7 on the figures and dimensions reported in each</p> <p>8 patent."</p> <p>9 Correct?</p> <p>10 A. Yes, I do.</p> <p>11 Q. You agree it is appropriate to look at the</p> <p>12 figures in Itou and Ressemann to estimate relative</p> <p>13 dimensions of the various portions of the device,</p> <p>14 right?</p> <p>15 A. I believe when you take the figures of both</p> <p>16 Itou and Ressemann and then bring them -- scale one</p> <p>17 relative to the other to bring them to the same, in</p> <p>18 my case, internal dimension -- ID of the two, or</p> <p>19 the ID of the opening, then at that point you can</p> <p>20 approximate the area of the openings to give a</p> <p>21 relative size comparison.</p> <p>22 Q. Right. And that's the only point I wanted</p> <p>23 to make, is that throughout your declaration you</p> <p>24 are looking at patent figures, and if a patent</p> <p>25 figure doesn't have a specific dimension specified</p>
<p style="text-align: right;">Page 7</p> <p>1 paragraph 121.</p> <p>2 A. Okay.</p> <p>3 Q. And just to orient us: On Monday evening</p> <p>4 when we concluded, we were discussing the two</p> <p>5 alternatives that you proposed for modifying the</p> <p>6 Itou reference with the Ressemann collar, right?</p> <p>7 A. I believe that is correct.</p> <p>8 Q. And the two alternatives you proposed, one</p> <p>9 is where you take the Ressemann collar and you set</p> <p>10 the tab portion of the collar on top of the Itou</p> <p>11 wire, and the other alternative is where you take</p> <p>12 the Ressemann collar and you situate the tab</p> <p>13 portion on the bottom of the Itou wire. Right?</p> <p>14 A. Yes. I believe we were at that point when</p> <p>15 we ended the deposition.</p> <p>16 Q. Yep. Perfect. And we discussed in the</p> <p>17 situation -- or the proposal you have where you put</p> <p>18 the Ressemann collar on top of the wire in Itou,</p> <p>19 you said in that combination you would remove both</p> <p>20 the Itou collar and the Itou coil; is that right?</p> <p>21 A. Yes.</p> <p>22 Q. In the alternative embodiment where you put</p> <p>23 the Ressemann collar and the tab portion of the</p> <p>24 Ressemann collar underneath the Itou wire, would</p> <p>25 you also remove the Itou collar and the Itou coil</p>	<p style="text-align: right;">Page 9</p> <p>1 in the specification, you are using that patent</p> <p>2 figure and scaling that patent figure to try to</p> <p>3 ascertain dimensions of that structure, right?</p> <p>4 A. I'll re- -- I'll try to answer your</p> <p>5 question in my verbiage.</p> <p>6 So where a patent had a dimension</p> <p>7 specified, we've applied -- I've applied those</p> <p>8 dimensions to the drawing to translate or place in</p> <p>9 the drawing the appropriate dimensions that are</p> <p>10 specified in its patent.</p> <p>11 And then where there are not dimensions</p> <p>12 specified from those patents, estimating, based on</p> <p>13 some known dimensions or some known geometric</p> <p>14 reference, what the drawing represents as the --</p> <p>15 what the drawing represents dimensionally.</p> <p>16 And then in the cases where we have patents</p> <p>17 with different IDs, I'm bring- -- scale the</p> <p>18 assembly to the same internal dimension and then</p> <p>19 run my calculations or estimations based on those</p> <p>20 similar internal dimensions as the basis for, say,</p> <p>21 the scale between the two -- two patents.</p> <p>22 Q. And in doing the estimation part of the</p> <p>23 analysis you just described, you are using the</p> <p>24 figures of the patents to aid you in that</p> <p>25 estimation of various dimensions, right?</p>

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1 A. Yes. I am using the patent drawings to aid
2 me in that estimation.
3 Q. Okay. Looking down to paragraph 127.
4 A. Okay.
5 Q. All right. Now, in 127 you are saying that
6 using Ressemann's collar would reduce kinking
7 because it would eliminate the weld point between
8 the wire 25 and the proximal opening, right?
9 A. Hold on a second. Let me read that
10 paragraph before you . . . (Reviewing document.)
11 Okay. Okay. So, again, your question,
12 please?
13 Q. Yeah. Are you saying that you would use
14 Ressemann's collar to eliminate the weld point in
15 Itou to reduce kinking?
16 MR. PINAHS: Objection. Form.
17 A. Can you re-ask that question?
18 Q. Let's just break it up. Are you saying you
19 would use Ressemann's collar 2141 in your proposed
20 combination that you discuss in paragraph 127 to
21 eliminate the weld point in Itou?
22 A. The answer is yes. So I would be using the
23 collar in Ressemann in place or to trans- -- in
24 place of the weld point in Itou. So the collar
25 would provide an increase -- or the ability to

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1 provide a transition in stiffness between the wire
2 and the opening of Itou.
3 Q. Is it your opinion that the weld point in
4 Itou is a location that may increase kinkability?
5 A. Yeah. It's my -- it's my opinion that the
6 weld point being -- essentially having -- sorry.
7 It's my opinion that the transition between
8 the Itou collar and the wire would have a -- the
9 transition area where the wire has been flattened
10 and welded to the Itou collar provides a risk of a
11 kink forming at that joint, just due to the
12 shortness of the transition.
13 And the fact that the -- flattening the
14 wire by crushing it is going to locally result in
15 work hardening and a decrease in the ductility of
16 the wire at that location.
17 Q. Right. I want to talk about that. Before
18 we get to that, though, I have a -- my first
19 question is: If you look at the combination you
20 show in paragraph 121 of your declaration.
21 A. Okay. Let me flip over to that.
22 Q. Can you see at -- in paragraph 121 of your
23 declaration, you show your proposed combination
24 where you've included the Ressemann collar on top
25 of the wire in Itou?

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1 A. Mm-hmm. Yes, I see that.
2 Q. In the combination you show in
3 paragraph 121, the weld point is still present,
4 right,
5 A. No, I --
6 MR. PINAHS: Object to form.
7 A. -- think --
8 MR. PINAHS: You can answer, Mr. Jones.
9 A. Now, in this schematic I basically overlaid
10 what the -- where the -- where I would place the
11 collar in relation to the Itou construction.
12 So the wire that's shown in Itou here is
13 unmodified. It's just the Itou form that was
14 provided, and then on top of it is placed the
15 Ressemann collar. And you can see it's embedded
16 within the wall on the top, and there's some
17 manipulation or modification I'd have to make to
18 get it fully embedded in the wall at the proximal
19 end of Itou.
20 So the -- I don't -- my attempt is not to
21 show the weld point of Itou. My attempt is to show
22 where I believe the Ressemann collar would fit
23 within this construction.
24 Q. Okay. So is it fair to say that the figure
25 you show in paragraph 121 is not an accurate

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1 representation of the ultimate combination you are
2 proposing between Ressemann and Itou?
3 MR. PINAHS: Objection. Form.
4 A. Can you rephrase that, please? Just to
5 make sure I answer the right question.
6 Q. Sure. Is it fair to say that the figure
7 you show in paragraph 121 is not an accurate
8 representation of the ultimate combination you are
9 proposing between Ressemann and Itou?
10 MR. PINAHS: Same objection.
11 A. It's in an -- it's an attempt -- my attempt
12 to demonstrate what the combination -- what Itou's
13 layout would look like with the Ressemann collar
14 attached.
15 I think this is, you know, an interim view
16 of what would be done with the product. There are
17 other changes that I would probably make in
18 conjunction with this, where I would make this full
19 change, but this is -- my best description, an
20 interim view of the -- what it would look like.
21 Q. Thank you. That's all I'm trying to
22 establish, is that the figure you show in
23 paragraph 121, you would make further modifications
24 beyond those shown in that figure to arrive at the
25 ultimate combination you are proposing between

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<p style="text-align: right;">Page 14</p> <p>1 Ressemann and Itou, right?</p> <p>2 A. Yeah. I make other modifications that are</p> <p>3 routine engineering decisions to improve the</p> <p>4 transition from one to the other.</p> <p>5 Q. Okay. Let's talk about that ductility</p> <p>6 issue you referenced. And I'll draw your attention</p> <p>7 back to paragraph 127. That's where you talk about</p> <p>8 ductility. Let me know when you're there, please.</p> <p>9 A. Okay. Back to 127.</p> <p>10 Q. Okay. In that paragraph you refer to</p> <p>11 "ductility." What is ductility?</p> <p>12 A. Ductility is essentially the -- the</p> <p>13 materials in the -- in relation to metal, ductility</p> <p>14 is the ability for material to bend, to be</p> <p>15 reshaped. I think those would be the two features</p> <p>16 that would -- are related to the ductility of a</p> <p>17 metal.</p> <p>18 Q. Do you agree that "ductility" refers to a</p> <p>19 metal's ability to permanently deform?</p> <p>20 A. Can you rephrase that question? It's -- I</p> <p>21 just want to make sure we're accurate on wording</p> <p>22 there -- or my understanding of your question.</p> <p>23 Q. Yeah. And that's what I'm trying to</p> <p>24 understand, is what you mean by "ductility." Does</p> <p>25 "ductility" refer to a material's ability to</p>	<p style="text-align: right;">Page 16</p> <p>1 kinking, are you saying a reduction in ductility</p> <p>2 would be more susceptible to kinking?</p> <p>3 A. No, I don't think -- well, I don't think</p> <p>4 that's the intent -- or I don't believe that is</p> <p>5 accurate.</p> <p>6 The localized -- so in this -- in the Itou</p> <p>7 collar-to-wire weld, the combination of the</p> <p>8 work-hardening and the welding will make a -- the</p> <p>9 work-hardening due to crushing the wire and the</p> <p>10 welding to attach the collar to the wire, we're</p> <p>11 going to have a dis- -- there will be a</p> <p>12 discontinuity in the stiffness of the wire. And</p> <p>13 that discontinuity is the place most likely to</p> <p>14 kink.</p> <p>15 So it may not be necessarily at the -- that</p> <p>16 transition, but immediately adjacent to it.</p> <p>17 Q. Okay. Are you saying that the</p> <p>18 work-hardening that Itou does reduces the</p> <p>19 ductility?</p> <p>20 A. Yes, I am.</p> <p>21 Q. Okay. And isn't something that is ductile</p> <p>22 more able to bend and kink than something that is</p> <p>23 not ductile?</p> <p>24 A. No.</p> <p>25 Q. Okay.</p>
<p style="text-align: right;">Page 15</p> <p>1 permanently deform?</p> <p>2 A. Yes, in general, it does. In the case of</p> <p>3 stainless steels, permanently deforming them by, in</p> <p>4 this case a crushing action, adds work-hardening.</p> <p>5 So that work-hardening reduces the ductility of the</p> <p>6 metal locally.</p> <p>7 Q. Okay. And in the context of these</p> <p>8 interventional devices we're talking about, we</p> <p>9 refer to "kinking." And "kinking" implies</p> <p>10 permanent deformation, right?</p> <p>11 A. In regards to a metal, it typically does</p> <p>12 refer to a permanent deformation.</p> <p>13 Q. Okay. Okay. So in paragraph 127, if you</p> <p>14 can look at the second-to-last sentence of that</p> <p>15 paragraph. And what you say is, "A reduction in</p> <p>16 ductility at a critical stiffness transition point</p> <p>17 is known in the art to be susceptible to kinking."</p> <p>18 Right? That's what you said, right?</p> <p>19 A. "A reduction..."</p> <p>20 Q. I just read what you said in paragraph 127.</p> <p>21 A. Yes, I'm reading it.</p> <p>22 Q. Okay.</p> <p>23 A. Yes, that's what's written.</p> <p>24 Q. Okay. My question is: When you say a</p> <p>25 reduction in ductility would be susceptible to</p>	<p style="text-align: right;">Page 17</p> <p>1 A. So if we want to use -- so a nonductile</p> <p>2 wire may be able to bend in a large curvature --</p> <p>3 yeah, when it's forced into a small curvature will</p> <p>4 exceed its elastic limit, producing a permanent</p> <p>5 change in shape that's not recoverable.</p> <p>6 A ductile wire will have -- in a similar</p> <p>7 circumstance, could go through a large-diameter</p> <p>8 bend and not be affected, but a ductile wire would</p> <p>9 have -- have a permanent deformation happen at</p> <p>10 potentially a less -- under a less extreme bend.</p> <p>11 So . . .</p> <p>12 Q. Okay. I just want to understand what you</p> <p>13 believe ductility relates to in this context. My</p> <p>14 question is: Do you agree that the more something</p> <p>15 is ductile, the more likely it is to kink?</p> <p>16 A. Not necessarily. I want to -- I would</p> <p>17 rephrase that statement slightly, I think. The</p> <p>18 more something is ductile, the easier it is to bend</p> <p>19 and the easier it is for that bend to become</p> <p>20 permanent. And similarly, the more something is</p> <p>21 ductile, the easier it is to unbend and</p> <p>22 restraighten.</p> <p>23 The less ductile a wire is, the production</p> <p>24 of a kink, from whatever reason, would be nearly --</p> <p>25 would require substantial amount of work to</p>

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