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 IPR2020-00135
Patent RE 45,776

SECOND DECLARATION OF PETER T. KEITH IN SUPPORT OF MOTIONS TO AMEND

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

TABLE OF CONTENTS

I. LEGAL STANDARDS 2

A. Indefiniteness 2

B. Anticipation 2

C. Obviousness 3

II. WRITTEN DESCRIPTION AND INDEFINITENESS 4

A. The Disclosed Invention Is Not Limited to Embodiments with a Side Opening In the Substantially Rigid Portion 4

1. The Challenged Claims 5

2. The specification does not require a side opening 12

3. To the extent the claimed invention includes the optional side opening, the specification does not require that side opening to be in the substantially rigid portion or segment 16

B. The Substitute Claims Properly Inform a POSITA About the Scope of the Invention 21

III. THE SUBSTITUTE CLAIMS ARE WITHIN THE SCOPE OF THE ORIGINAL CLAIMS 23

IV. NOVELTY OF THE PROPOSED SUBSTITUTE CLAIMS 25

A. Itou 25

1. Itou does not teach a structure through which "interventional cardiology devices," "stents," or "stent catheters" are insertable (all substitute claims) 25

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

2. Itou in view of Ressemann (substitute claims 23-25 of the ’032 patent, 43 and 44 of the ’380 patent, 56-58 of the ’760 patent, 58-65 of the ’776 patent, and 46-48 and 50-51 of the ’379 patent).....27

i. Neither Itou nor Ressemann teach or suggest the recited complex side opening (substitute claims 23-25 of the ’032 patent, 44 of the ’380 patent, 56-58 of the ’760 patent, 56-58 of the ’760 patent, 58-62 and 64-65 of the ’776 patent, and 46-48 and 50-51 of the ’379 patent)....27

ii. A POSITA would not be motivation to replace Itou’s proximal opening with Ressemann’s support collar, and would not expect such a combination to be successful (substitute claim 23-25 of the ’032 patent, 44 of the ’380 patent, 56-58 of the ’760 patent, 56-58 of the ’760 patent, 58-62 and 64-65 of the ’776 patent, and 46-48 and 50-51 of the ’379 patent).....29

3. Itou in view of Kataishi (substitute claims 23-25 of the ’032 patent, 43 and 44 of the ’380 patent, 58-65 of the ’776 patent, and 46-51 of the ’379 patent).....34

i. Kataishi does not disclose a complex side opening (substitute claim 23-25 of the ’032 patent, 44 of the ’380 patent, 56-58 of the ’760 patent, 58-62 and 64-65 of the ’776 patent, and 46-48 and 50-51 of the ’379 patent)....34

ii. A POSITA would not be motivated to replace Itou’s proximal opening with Kataishi’s distal opening, and would not expect such a combination to be successful (substitute claim 23-25 of the ’032 patent, 44 of the ’380 patent, 56-58 of the ’760 patent, 58-62 and 64-65 of the ’776 patent, 46-48 and 50-51 of the ’379 patent).....37

B. Kontos in View of Ressemann and Takahashi Does Not Render Obvious the Substitute Claims (Substitute Claims 23-25 of the ’032 Patent, 43 and 44 of the ’380 Patent, 54-58 of the ’760 Patent, 58-65 of the ’776 Patent, and 46-51 of the ’379 Patent) 42

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

1. Kontos does not teach a structure through which "interventional cardiology devices," "stents," or "stent catheters" are insertable (all substitute claims) 43

2. The evidence does not show that a POSITA would be motivated to replace Kontos's proximal opening with Ressemann's support collar (substitute claims 23-25 of the '032 patent, 44 of the '380 patent, 56-58 of the '760 patent, 58-62 and 64-65 of the '776 patent, and 46-48 and 50-51 of the '379 patent).....44

i. A POSITA would not be motivated to remove Kontos's proximal funnel and replace it with Ressemann's support collar (substitute claims 23-25 of the '032 patent, 43 and 44 of the '380 patent).....48

ii. There is no motivation for a POSITA to make the extensive modifications advanced in the new Kontos-Ressemann device (substitute claims 23-25 of the '032 patent, 43 and 44 of the '380 patent).....49

iii. A POSITA would not expect the new Kontos-Ressemann combination to be successful (substitute claims 23-25 of the '032 patent, 43 and 44 of the '380 patent).....54

3. There is no motivation to modify the teachings of Kontos and Ressemann to arrive at the claimed size limitations (substitute claims 23, 25 of the '032 patent, 43 and 44 of the '380 patent, 54-58 of the '760 patent, 63-65 of the '776 patent, and 46-51 of the '379 patent) 57

4. The new Kontos-Ressemann device cannot satisfy the "reinforced portion" limitation (substitute claims 25 of the '032 patent, 57 of the '760 patent, 63 of the '776 patent, and 46-48 of the '379 patent).....59

C. Kontos in View of Ressemann, Takahashi, Kataishi, and/or the Knowledge of a POSITA Does Not Render Obvious the Substitute Claims (Substitute Claims 23-25 of the '032 Patent, 44 of the '380

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

Patent, 56-58 of the ’760 Patent, and 46-48 and 50-51 of the ’379 Patent).....60

DOCKET ALARM Find authenticated court documents without watermarks at docketalarm.com.

DOCKET ALARM

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts

Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research

With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips

Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS
Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS
Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS
Sync your system to PACER to automate legal marketing.