

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MEDTRONIC, INC., AND MEDTRONIC VASCULAR, INC.  
Petitioners,

v.

TELEFLEX INNOVATIONS S.A.R.L.  
Patent Owner.

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

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**PATENT OWNER SUR-REPLY**

**TABLE OF CONTENTS**

	Page
I. INTRODUCTION .....	1
II. CLAIM CONSTRUCTION—CLAIM 36 .....	2
III. PETITIONER HAS NOT SHOWN THAT THE CHALLENGED CLAIMS WOULD HAVE BEEN OBVIOUS .....	3
A. The Board Should Not Credit Petitioner’s New Theory Relying on Substantial New Modifications to Material Aspects of Kontos.....	3
B. Grounds 1 and 2—Kontos Plus Ressemann’s Collar Member .....	7
1. Petitioner has not shown that a POSITA would be motivated, with a reasonable expectation of success, to replace Kontos’s funnel with Ressemann’s isolated collar component.....	8
a. The evidence does not support the Petition’s motivation to reduce the diameter of the GC with a reasonable expectation of success .....	8
b. The purported motivation to “maximize the usable real estate” by “increasing the interior diameter” of Kontos is both new and unsupported .....	10
2. Petitioner’s other motivations are unsupported and hindsight- driven.....	12
3. Petitioner’s modification would create a problematic gap/catch point where none existed before .....	14
4. Petitioner failed to show a reasonable expectation of success with the precise tab-on-top combination .....	16
5. Petitioner’s new “three inclines” theory is both improper and wrong.....	18

C.	Claim 49 (Ground 1): Petitioner Has Not Shown that Kontos Provides the Claimed Backup Support to Assist in Resisting Axial and Shear Forces .....	21
D.	“One French Size”—Petitioner Failed to Show that a POSITA Would Be Motivated to Modify the References with a Reasonable Expectation of Success (Grounds 2 and 4, Claims 30-31, 53-56) .....	22
E.	Kataishi Does Not Render a Double-Inclined Side Opening Obvious (Ground 3, Claim 52) .....	23
IV.	ALL GROUNDS, ALL CHALLENGED CLAIMS: COMPELLING OBJECTIVE EVIDENCE CONFIRMS THAT INDEPENDENT CLAIMS 25, 52, AND 53 WOULD NOT HAVE BEEN OBVIOUS .....	25
A.	The Objective Evidence Is Undisputed.....	25
B.	The Combination of Features That Resulted in GuideLiner’s Success and Praise Is Not in the Prior Art .....	26
C.	The Fact that All of GuideLiner’s Competitors Copied its Design Confirms Non-Obviousness .....	27

## TABLE OF AUTHORITIES

### Cases

<i>In re Magnum Oil Tools Int'l, Ltd.</i> , 829 F.3d 1364 (Fed. Cir. 2016) .....	21
<i>Intelligent Bio-Sys., Inc. v. Illumina Cambridge, Ltd.</i> , 821 F.3d 1359 (Fed. Cir. 2016) .....	5, 19
<i>Iron Grip Barbell Co. v. USA Sports, Inc.</i> , 392 F.3d 1317 (Fed. Cir. 2004) .....	27, 28
<i>Lectrosonics, Inc. v. Zaxcom, Inc.</i> , IPR2018-01129, Paper 33 (PTAB Jan. 24, 2020) .....	26
<i>Mytee Prods. v. Harris Rsch., Inc.</i> , 439 F. App'x 882 (Fed. Cir. 2011) .....	21
<i>WBIP, LLC v. Kohler Co.</i> , 829 F.3d 1317 (Fed. Cir. 2016) .....	26

### Other Authorities

37 C.F.R. § 42.23(b) .....	5, 19
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## I. INTRODUCTION

As Patent Owner (“Teleflex”) noted in its Response, one of the things that makes the ’776 patent different from the other GuideLiner patents is that two of the three independent claims require a “segment defining a partially cylindrical opening” proximal of the tubular structure that has “at least two inclined regions.”

Using improper hindsight, the Petition sought to use advantages of the claimed two-incline side opening as motivations to argue that it would have been obvious to modify Kontos’s narrow support catheter and add such a specifically-shaped opening. But Teleflex’s Response showed that neither of the cited secondary references (Ressemann and Kataishi) actually shows such a two-incline proximal side opening, much less provides a motivation to add one to Kontos. Teleflex also proved that Petitioner ignored critical aspects of Kontos’s structure, such that its proposed modifications did not actually result in the claimed invention.

So in Reply, Petitioner totally changed positions. Petitioner now proposes *at least six significant additional modifications* to Kontos in an effort to arrive at the claimed invention. It also provides new and different alleged motivations for making these changes, and argues that Ressemann’s isolated collar component actually has at least *three* inclined regions, rather than the two its Petition pointed

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