

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 IPR2020-01342
Patent 8,142,413

**Declaration of Peter M. Kohlhepp in Support of Patent Owner's Unopposed
Motion for *Pro Hac Vice* Admission**

I, Peter M. Kohlhepp, hereby declare as follows:

1. I am an attorney with the law firm of Carlson, Caspers, Vandenburg & Lindquist P.A. ("Carlson Caspers"). This declaration is submitted on behalf of Patent Owner Teleflex in support of its Motion for *Pro Hac Vice* Admission of Peter M. Kohlhepp. This declaration is made on my own personal knowledge, except as otherwise indicated.
2. I am a member in good standing of the Bar of the State of Minnesota (Minnesota Bar Number 390,454).

3. I have never been suspended or disbarred from any court or administrative body.
4. No application for admission to practice before any court or administrative body that I have filed or that has been filed on by behalf has ever been denied.
5. No sanctions or contempt citations have been imposed on me by any court or administrative body.
6. I have read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of 37 C.F.R.
7. I agree to be subject to USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 et. seq. and disciplinary jurisdiction under 37 C.F.R. § 11.19(a).
8. I applied to appear *pro hac vice*, and did so appear, in the following proceedings before the Office in the last four (4) years: Cases IPR2014-01427, IPR2014-01428, IPR2015-01788, IPR2015-01789, IPR2015-01781, IPR2015-01783, IPR2017-00433, IPR2019-00488, IPR2019-00490, IPR2020-00126, IPR2020-00127, IPR2020-00128, IPR2020-00129, IPR2020-00130, IPR2020-00132, IPR2020-00134, IPR2020-00135, IPR2020-00136, IPR2020-00137, and IPR2020-00138.

9. I have been involved in many litigations involving patent infringement in multiple federal District Courts. I have practiced law for more than ten years and I have litigated patent cases during that entire time period. I have extensive experience with patent issues related to obviousness under 35 U.S.C. §§102 and 103, which are the legal theories on which this *Inter Partes* Review was instituted. In the course of my experience litigating patents, I have analyzed many pieces of prior art, prepared many prior art statements and responses, worked with validity experts, and drafted and filed briefing related to obviousness arguments.

10. I am familiar with the subject matter at issue in this proceeding. My law firm, Carlson Caspers, represents Patent Owner in a patent infringement lawsuit that is pending in the United States District Court for the District of Minnesota (Civil Action. No. 19-cv-1760 (PJS/TNL), filed July 2, 2019). This lawsuit involves the same patents at issue in this and related *Inter Partes* Reviews, U.S. Patent Nos. 8,142,413 and RE46,116, and involves the same parties. I have assisted other attorneys at my firm in representing Patent Owner in this case. I have also assisted the registered practitioners from my firm who represent Patent Owner in this matter and other IPRs involving similar technology, working at their direction. Those IPRs include IPR2020-00126, IPR2020-00127, IPR2020-00128, IPR2020-00129, IPR2020-00130, IPR2020-00132, IPR2020-00134,

IPR2020-00135, IPR2020-00136, IPR2020-00137, and IPR2020-00138.

Through this work, I have gained familiarity with the subjects at issue, which includes the validity of the patents at issue in the District Court case and the related IPR proceedings.

11. I have also reviewed in detail each of U.S. Patent Nos. 8,142,413 and RE46,116, the Petitions and corresponding exhibits and expert declarations filed by Petitioner Medtronic in this and the related proceedings, Teleflex's Preliminary Responses, and the Board's Decisions instituting review. Further, I have reviewed in detail the prior art references cited by Medtronic's Petitions and relied on by the Board in instituting this review.

12. My technical background provides me with additional understanding of the subject matter at issue. I completed a Bachelor of Science undergraduate degree in Engineering Mechanics, which included coursework in materials science and mechanical engineering.

I state under penalty of perjury that the foregoing is true and correct.

Dated: May 5, 2021

/Peter M. Kohlhepp/
Peter M. Kohlhepp