

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

3 -----  
4 MEDTRONIC, INC., and  
5 MEDTRONIC VASCULAR, INC.,

6 Petitioners,

7 vs.

8 TELEFLEX INNOVATIONS S.A.R.L.,  
9 Patent Owner.

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

22 VIDEO EXPERT DEPOSITION TRANSCRIPT OF  
23 RICHARD A. HILLSTEAD, PH.D  
24 FRIDAY, SEPTEMBER 11, 2020  
25 JASPER, GEORGIA

Page 2

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2

3 Video Expert Deposition Transcript of

4 RICHARD A. HILLSTEAD, PH.D. taken via remote

5 communication at 3 Lukes Path, Jasper, Georgia

6 on Friday, September 11, 2020, commencing at

7 9:00 a.m. before Rebecca L. Klanderud, a

8 Certified Shorthand Reporter.

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Page 4

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Page 3

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1 INDEX:

2 EXAMINATION: PAGE

3 By Mr. Kohlhepp . . . . . 7

4 \* \* \*

5 EXHIBITS:

6 HILLSTEAD EXHIBITS: PAGE MARKED

7 Exhibit 1042-135 Binder book marked CV

8 and Declaration of

9 Richard A. Hillstead 83

10 \* \* \*

11 EXHIBITS:

12 PREVIOUSLY MARKED EXHIBITS: PAGE MENTIONED

13 Exhibit 1007 Itou patent 69

14 Exhibit 1008 Ressemann reference 115

15 Exhibit 1050 Enger patent 221

16 Exhibit 2085 Figure 16D from the

17 Ressemann patent 134

18 Exhibit 2086 Drawing 170

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25

Page 6	<p>1 THE VIDEO TECHNICIAN: This is the 2 11th day of September 2020. The time is 9:16 3 Central Daylight Time. 4 This is the videotaped deposition of 5 Richard Hillstead in the matter of Medtronic, 6 Inc., et al. versus Teleflex Innovations, 7 S.A.R.L. 8 My name is Andrew Weber, the 9 videographer, representing Veritext Midwest. 10 Would the attorneys please announce 11 their appearances for the record? 12 MR. KOHLHEPP: This is Peter Kohlhepp 13 on behalf of the patent owner, Teleflex. 14 Also, with me today is Derek 15 Vandenburg and Joe Winkels, and all three of us 16 are with the Carlson Caspers law firm. 17 Also, online I believe are Howard Cyr 18 and Greg Smock of Teleflex. 19 MR. PINAHS: This is Chris Pinahs on 20 behalf of the petitioner, Medtronic. 21 Also, here today is Cy Morton and 22 Shelley Gillis of the Robins Kaplan law firm as 23 well. 24 MR. KOHLHEPP: Good morning, Dr. 25 Hillstead.</p>	Page 8	<p>1 full name for the record, please? 2 A. Yes. Richard Averill Hillstead. 3 Q. What is your address? 4 A. 3 Lukes Path, that's Luke as in 5 Skywalker, and path, walk the path, Jasper, 6 Georgia 30143. 7 Q. Okay. And we'll just go over a few 8 reminders here at the beginning of the 9 deposition. 10 Um, you're aware that you're 11 testifying under your oath today, correct? 12 A. Boy, I am really having trouble 13 hearing you. I heard you say you are aware 14 of . . . 15 Q. You're aware that you're testifying 16 under oath today, correct? 17 A. Yes. 18 Q. Okay. Do you have an understanding 19 of why you're here today? 20 A. Uh, yes. My understanding is to 21 provide expert testimony regarding the -- the 22 product at hand, as well as the field of 23 interventional cardiology devices. Um, I think 24 my role here is to help instruct the -- the PTAB 25 panel, the attorneys, and anyone else involved</p>
Page 7	<p>1 THE VIDEO TECHNICIAN: And would the 2 court reporter please swear in the witness? 3 THE COURT REPORTER: Dr. Hillstead, 4 please raise your right hand, sir. 5 THE WITNESS: I'm sorry. 6 Could you repeat that? 7 THE COURT REPORTER: Dr. Hillstead, 8 please raise your right hand, sir. 9 DR. HILLSTEAD: Oh, yes. Okay. 10 * * * 11 RICHARD HILLSTEAD, 12 a witness in the above-entitled matter, 13 having been first duly sworn, 14 testified on his oath as follows: 15 * * * 16 EXAMINATION 17 * * * 18 BY MR. KOHLHEPP: 19 Q. Good morning, Dr. Hillstead. 20 A. Good morning. 21 Q. Thanks for your patience as we get 22 this remote, um, process set up. I know it's 23 not quite as straightforward as it would be in 24 person. 25 Could you go ahead and state your</p>	Page 9	<p>1 as to what a person of skill in this field in 2 interventional cardiology devices, um, would 3 know about the subject matter. 4 Q. And you mentioned the product at 5 issue. 6 What product is that? 7 A. You say I mentioned products, and 8 what product? 9 Q. Correct. 10 A. Well, we're talking about the guide 11 extension catheter. We're talking about the -- 12 several products here involved. Um, there are 13 multiple patents that resulted in products, so a 14 number of products. 15 Q. Okay. I think we'll get into that a 16 little bit further in a moment. 17 A. Okay. 18 Q. So as your counsel has probably 19 informed you, I'm going to be asking you a 20 series of questions today, and it's important 21 that we don't talk over each other. 22 Particularly, because we're doing this remotely, 23 it's a little bit more difficult, so -- 24 A. Um-huh. 25 Q. -- I would just ask that you try to</p>

3 (Pages 6 - 9)

Page 10

1 let me finish my question before you start to  
2 answer. I will try to do the same, and let you  
3 finish your answer before I start another  
4 question.  
5 A. Good.  
6 Q. And as Mr. Pinahs mentioned, given  
7 our -- our audio issues, definitely let me know  
8 if you don't understand a question or can't hear  
9 me. Um, feel free to just wave or -- or say  
10 something if you didn't hear what I'm saying.  
11 A. I will. Thank you.  
12 Q. Uh, we can take breaks throughout the  
13 deposition. I will -- I will probably try to  
14 take a break about every hour but if you need a  
15 break other than that, feel free to ask, and we  
16 can definitely take a short break. I would just  
17 ask that you first answer the question that I've  
18 asked before we take that break.  
19 A. Very good.  
20 And -- and let me apologize in  
21 advance. Since I'm doing this from my dining  
22 room, and I'm expecting multiple deliveries  
23 today, and I have a dog that might bark because  
24 she needs to go out, my apologies for  
25 interruptions that come up, but it's just the --

Page 11

1 uh, the nature of things right now.  
2 Q. Sure, and I appreciate that.  
3 Uh, Dr. Hillstead, who retained you  
4 in these IPR matters?  
5 A. Um, the firm of Robins Kaplan.  
6 Q. Do you remember when you were first  
7 approached about these matters?  
8 A. It was about a year ago. Um, I don't  
9 recall exactly what the first contact was,  
10 whether it was -- um, who -- who made the first  
11 call, I don't really recall.  
12 Q. Was it an attorney from Robins  
13 Kaplan?  
14 A. I believe so. Um, I'm pretty sure it  
15 was -- um, I think it was probably Sherry Roberg  
16 [sic] was the first person to contact me.  
17 Q. Had you work with the Robins Kaplan  
18 law firm prior to this?  
19 A. I don't believe so. I don't recall  
20 specifically working with them, certainly not  
21 the -- um, the Minneapolis -- well, I don't  
22 know. That might be their only office. I don't  
23 know, but I have not worked with any of the  
24 folks there before.  
25 Q. Are you currently familiar with the

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1 guide extension product called the GuideLiner?  
2 A. The GuideLiner? Yes.  
3 Q. And were you familiar with that  
4 product when Robins Kaplan first contacted you?  
5 A. I have had familiarity with guide  
6 extension catheters. However, I'm not -- I'm  
7 not all that good on the names of them from a  
8 marketing perspective, um, but over the -- the  
9 last sev- -- many years, a decade or more, I'm  
10 familiar with the -- the concept and products  
11 that are related to extending the reach of  
12 guiding catheters.  
13 Q. Okay. But you don't remember if you  
14 are specifically familiar with the -- the  
15 GuideLiner product?  
16 A. GuideLiner is definitely a name I --  
17 I have heard, and, um, but I -- I would not say  
18 that I've -- I spent a lot of time studying the  
19 GuideLiner device prior to this case.  
20 Q. Okay. But you're fairly certain that  
21 you've at least heard the name GuideLiner prior  
22 to being retained in these matters?  
23 A. Yes, definitely.  
24 Q. Prior to being retained in these  
25 matters, were you familiar with any other guide

Page 13

1 extension products?  
2 A. I'm going to have to ask you to  
3 repeat that.  
4 You said prior to retained in this  
5 device that . . .  
6 Q. Prior to being retained in these  
7 matters --  
8 A. Um-huh.  
9 Q. -- were you familiar with any other  
10 guide extension products other than the  
11 GuideLiner?  
12 A. Uh, yes, but, again, my familiarity  
13 wouldn't be the same as, for instance, a  
14 physician who routinely uses them. Um,  
15 GUIDEZILLA sticks out in my mind because it's a  
16 catchy name, um, and I think -- um, I know there  
17 are others. That's the only one that comes to  
18 mind at the moment namewise.  
19 Q. And you're aware that these  
20 proceedings challenge, uh, five patents,  
21 correct?  
22 A. I think that's the number, yeah, five  
23 patents. I believe you're correct.  
24 Q. And you're aware that they all  
25 pertain to Teleflex's GuideLiner product?

4 (Pages 10 - 13)

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1 A. That is my understanding.  
 2 Q. Okay. So if I use the term  
 3 "GuideLiner patents," you'll understand that to  
 4 be referring to the five patents that are at  
 5 issue in this proceeding?  
 6 A. Well, I'll -- I'll understand that  
 7 now that you've told me that, so I'll accept  
 8 that, yes.  
 9 Q. Fair enough. I just wanted to make  
 10 sure we're on the same page as we're talking  
 11 about things.  
 12 A. We are now. Thank you.  
 13 Q. Okay. So let's go back about a year  
 14 ago when Robins Kaplan first contacted you.  
 15 A. Um-huh.  
 16 Q. Um, what was the first thing you did  
 17 that you recall after they contacted you about  
 18 these matters?  
 19 A. What was the first thing I did after  
 20 they contacted me?  
 21 Q. Sure.  
 22 Did you review the patents?  
 23 Did you go do some online research?  
 24 What did you do?  
 25 A. Well, literally, the first thing I

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1 did was, uh, return the call on my answering  
 2 machine because that was the first communication  
 3 was: Dr. Hillstead, we'd like to talk to you  
 4 about this.  
 5 And so I called back, and they gave  
 6 me a little more, um, background on it. We did  
 7 conflict checks, and so on, and then we said:  
 8 Let's consider moving forward.  
 9 Um, I don't know if exactly at the  
 10 same time -- that would have been when they  
 11 probably sent me the patents-in-suit or perhaps  
 12 -- um, oh, you know, I may have gone online and  
 13 searched for any sort of, um, legal activity  
 14 about it. I do that often. If somebody calls  
 15 me out of the blue with a case, I'll go to one  
 16 of the online patent information people, whether  
 17 it's Knobbe Marten or Martens or any of the --  
 18 uh, and I can't -- I don't remember the names of  
 19 them now, but there's multiple different sort of  
 20 patent groups out there that provide newsletters  
 21 and information on PTAB filings, as well as  
 22 court filings. So I probably looked for  
 23 something there.  
 24 And then very shortly after that, we  
 25 probably discussed, um, a retaining letter of

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1 some sort. And, uh, during that time, there  
 2 probably would have been a ramp of exchange of  
 3 information, but I don't recall exactly the  
 4 sequence over a year ago.  
 5 Q. So would it be accurate to say that  
 6 the first documents you reviewed regarding this  
 7 matter were the GuideLiner patents themselves?  
 8 A. Probably would have been something  
 9 more like a complaint or a -- something along  
 10 those lines, but, typically, when I'm retained  
 11 in a case like this, those -- um, those  
 12 documents, those exhibits, those things that  
 13 we're going to use in the case start arriving  
 14 almost simultaneously.  
 15 And forgive me if I -- if I don't  
 16 have a step-by-step, hour-by-hour, day-by-day  
 17 recollection of which document I looked at first  
 18 and second, and so on, but it would be fair to  
 19 say that early on in my association with this  
 20 case, I looked at those.  
 21 Q. And by "those," you mean the  
 22 GuideLiner patents?  
 23 A. Well, that's what you were asking me  
 24 about, so "those," I do mean GuideLiner patents,  
 25 yes.

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1 Q. So you -- also, in your declarations  
 2 that you put together, you rely on several  
 3 other, uh, patents and printed publications.  
 4 Is that right?  
 5 A. Yes, that is correct.  
 6 Q. Okay. So what -- what I'd like to  
 7 find out is: How were those identified?  
 8 Did you find them yourself, or did  
 9 the Robins Kaplan send them to you?  
 10 A. Well, when -- when you say  
 11 "identified," you mean how were they brought to  
 12 -- to light in the case?  
 13 How were they found and brought into  
 14 our -- our intent to look at them and use them?  
 15 Q. How were they brought to your  
 16 attention?  
 17 A. That would have been a very  
 18 collaborative effort. As -- as I'm sure you're  
 19 well aware, there's -- this is a large bunch of  
 20 IPRs and a lot of things going on here, so there  
 21 would have been, um, both my research and my own  
 22 history in this area, as well as the attorneys  
 23 at Robins Kaplan who would be looking for the  
 24 appropriate prior art.  
 25 Q. Do you recall any specific pieces of

5 (Pages 14 - 17)

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