	Page 1
1	UNITED STATES PATENT AND TRADEMARK OFFICE
2	BEFORE THE PATENT TRIAL AND APPEAL BOARD
3	
4	MEDTRONIC, INC., and
	MEDTRONIC VASCULAR, INC.,
5	
	Petitioners,
6	
	vs.
7	
8	TELEFLEX INNOVATIONS S.A.R.L.,
9	Patent Owner.
10 11	IPR2020-00126 (Patent 8,048,032 B2)
т т	IPR2020-00120 (Fatent 8,048,032 B2)
12	IPR2020-00128 (Patent RE45,380 E)
	IPR2020-00129 (Patent RE45,380 E)
13	IPR2020-00130 (Patent RE45,380 E)
	IPR2020-00132 (Patent RE45,760 E)
14	IPR2020-00134 (Patent RE45,760 E)
	IPR2020-00135 (Patent RE45,776 E)
15	IPR2020-00136 (Patent RE45,776 E)
	IPR2020-00137 (Patent RE47,379 E)
16	IPR2020-00138 (Patent RE47,379 E)
17	
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19	
20	VIDEO EVDEDE DEDOCIETON EDANGODIDE OF
21	VIDEO EXPERT DEPOSITION TRANSCRIPT OF RICHARD A. HILLSTEAD, PH.D
22	FRIDAY, SEPTEMBER 11, 2020
2 2	JASPER, GEORGIA
23	
24	
25	

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	Page 2		Page 4
1	* * *	1	APPEARANCES (continued):
2		2	CARLSON, CASPERS, VANDENBURGH &
3	Video Expert Deposition Transcript of	3	LINDQUIST
4	RICHARD A. HILLSTEAD, PH.D. taken via remote	4	BY: PETER M. KOHLHEPP, ESQUIRE
5	communication at 3 Lukes Path, Jasper, Georgia	5	pkohlhepp@carlsoncaspers.com
6	on Friday, September 11, 2020, commencing at	6	J. DEREK VANDENBURGH, ESQUIRE
7	9:00 a.m. before Rebecca L. Klanderud, a	7	dvandenburgh@carlsoncaspers.com
8	Certified Shorthand Reporter.	8	JOSEPH W. WINKELS, ESQUIRE
9		9	jwinkels@carlsoncaspers.com
10		10	Suite 4200
11		11	225 South Sixth Street
12		12	Minneapolis, Minnesota 55402
13	* * *	13	612.436.9600
14		14	Counsel for Patent Owner
15		15	Also Present:
16		16	Greg Smock and Howard Cyr, Teleflex
17		17	Andrew Weber, videographer
18		18	* * *
19		19	
20		20	
21		21	
22		22	
23		23	
24		24	
25		25	
	Page 3		Page 5
1	APPEARANCES:	1	INDEX:
2	ROBINS KAPLAN, LLP	2	EXAMINATION: PAGE
3	BY: CHRISTOPHER A. PINAHS, ESQUIRE	3	By Mr. Kohlhepp
4	cpinahs@robinskaplan.com	4	* * *
5	CYRUS A. MORTON, ESQUIRE	5	EXHIBITS:
6	cmorton@robinskaplan.com	6	HILLSTEAD EXHIBITS: PAGE MARKED
7	SHELLEY R. GILLIS, PH.D.	7	Exhibit 1042-135 Binder book marked CV
8	sgillis@robinskaplan.com	8	and Declaration of
9	Suite 2800	9	Richard A. Hillstead 83
10	800 LaSalle Avenue	10	* * *
	Minneapolis, Minnesota 55401 612.349.8500	11	EXHIBITS:
12	Counsel for the Petitioners	12	PREVIOUSLY MARKED EXHIBITS: PAGE MENTIONED Exhibit 1007 Itou patent 69
14	Counsel for the retitioners	13	***************************************
15		14 15	
16		16	Exhibit 1050 Enger patent 221 Exhibit 2085 Figure 16D from the
17		17	Ressemann patent 134
1 /			Exhibit 2086 Drawing 170
1		1 1 2	
18		18	-
18 19		19	* * *
18 19 20		19 20	-
18 19 20 21		19 20 21	-
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18 19 20 21 22		19 20 21 22	-

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

3 (Pages 6 - 9)

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Page 10 Page 12 let me finish my question before you start to guide extension product called the GuideLiner? answer. I will try to do the same, and let you 2 A. The GuideLiner? Yes. 2 3 finish your answer before I start another O. And were you familiar with that question. 4 4 product when Robins Kaplan first contacted you? 5 5 A. Good. A. I have had familiarity with guide 6 Q. And as Mr. Pinahs mentioned, given 6 extension catheters. However, I'm not -- I'm 7 7 our -- our audio issues, definitely let me know not all that good on the names of them from a 8 if you don't understand a question or can't hear 8 marketing perspective, um, but over the -- the 9 9 me. Um, feel free to just wave or -- or say last sev- -- many years, a decade or more, I'm 10 something if you didn't hear what I'm saying. 10 familiar with the -- the concept and products 11 A. I will. Thank you. 11 that are related to extending the reach of 12 Q. Uh, we can take breaks throughout the 12 guiding catheters. 13 deposition. I will -- I will probably try to 13 Q. Okay. But you don't remember if you 14 take a break about every hour but if you need a 14 are specifically familiar with the -- the 15 break other than that, feel free to ask, and we 15 GuideLiner product? 16 A. GuideLiner is definitely a name I --16 can definitely take a short break. I would just 17 I have heard, and, um, but I -- I would not say 17 ask that you first answer the question that I've 18 asked before we take that break. 18 that I've -- I spent a lot of time studying the 19 A. Very good. 19 GuideLiner device prior to this case. 20 And -- and let me apologize in 20 O. Okay. But you're fairly certain that 21 you've at least heard the name GuideLiner prior 21 advance. Since I'm doing this from my dining 22 22 room, and I'm expecting multiple deliveries to being retained in these matters? 23 today, and I have a dog that might bark because 23 A. Yes, definitely. 24 24 she needs to go out, my apologies for Q. Prior to being retained in these 25 interruptions that come up, but it's just the --25 matters, were you familiar with any other guide Page 11 Page 13 1 uh, the nature of things right now. extension products? 2 2 Q. Sure, and I appreciate that. A. I'm going to have to ask you to 3 Uh, Dr. Hillstead, who retained you 3 repeat that. 4 in these IPR matters? 4 You said prior to retained in this 5 A. Um, the firm of Robins Kaplan. 5 device that . . . Q. Do you remember when you were first Q. Prior to being retained in these 6 6 7 7 approached about these matters? matters --8 A. It was about a year ago. Um, I don't 8 A. Um-huh. 9 recall exactly what the first contact was, 9 Q. -- were you familiar with any other 10 whether it was -- um, who -- who made the first guide extension products other than the 11 call, I don't really recall. 11 GuideLiner? 12 Q. Was it an attorney from Robins 12 A. Uh, yes, but, again, my familiarity 13 13 wouldn't be the same as, for instance, a Kaplan? 14 14 A. I believe so. Um, I'm pretty sure it physician who routinely uses them. Um, 15 was -- um, I think it was probably Sherry Roberg 15 GUIDEZILLA sticks out in my mind because it's a 16 [sic] was the first person to contact me. 16 catchy name, um, and I think -- um, I know there 17 Q. Had you work with the Robins Kaplan 17 are others. That's the only one that comes to 18 law firm prior to this? 18 mind at the moment namewise. 19 19 A. I don't believe so. I don't recall Q. And you're aware that these 20 20 specifically working with them, certainly not proceedings challenge, uh, five patents, 21 the -- um, the Minneapolis -- well, I don't 21 correct? 22 know. That might be their only office. I don't 22 A. I think that's the number, yeah, five 23 know, but I have not worked with any of the 23 patents. I believe you're correct. 24 24 folks there before. Q. And you're aware that they all 25 25 pertain to Teleflex's GuideLiner product? Q. Are you currently familiar with the

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Page 14 Page 16 1 That is my understanding. some sort. And, uh, during that time, there 2 Q. Okay. So if I use the term 2 probably would have been a ramp of exchange of 3 "GuideLiner patents," you'll understand that to 3 information, but I don't recall exactly the 4 be referring to the five patents that are at 4 sequence over a year ago. 5 issue in this proceeding? 5 Q. So would it be accurate to say that 6 A. Well, I'll -- I'll understand that 6 the first documents you reviewed regarding this 7 now that you've told me that, so I'll accept 7 matter were the GuideLiner patents themselves? 8 that, yes. 8 A. Probably would have been something 9 9 Q. Fair enough. I just wanted to make more like a complaint or a -- something along 10 sure we're on the same page as we're talking 10 those lines, but, typically, when I'm retained 11 about things. 11 in a case like this, those -- um, those 12 A. We are now. Thank you. 12 documents, those exhibits, those things that 13 Q. Okay. So let's go back about a year 13 we're going to use in the case start arriving 14 ago when Robins Kaplan first contacted you. 14 almost simultaneously. 15 A. Um-huh. 15 And forgive me if I -- if I don't 16 Q. Um, what was the first thing you did 16 have a step-by-step, hour-by-hour, day-by-day 17 that you recall after they contacted you about 17 recollection of which document I looked at first 18 these matters? 18 and second, and so on, but it would be fair to 19 19 A. What was the first thing I did after say that early on in my association with this 20 they contacted me? 20 case, I looked at those. 21 21 Q. And by "those," you mean the O. Sure. 22 22 Did you review the patents? GuideLiner patents? 23 Did you go do some online research? 23 A. Well, that's what you were asking me 24 What did you do? 24 about, so "those," I do mean GuideLiner patents, 25 Well, literally, the first thing I 25 yes. Page 15 Page 17 1 did was, uh, return the call on my answering 1 Q. So you -- also, in your declarations 2 machine because that was the first communication 2 that you put together, you rely on several 3 was: Dr. Hillstead, we'd like to talk to you 3 other, uh, patents and printed publications. 4 about this. 4 Is that right? 5 And so I called back, and they gave 5 A. Yes, that is correct. 6 me a little more, um, background on it. We did 6 Q. Okay. So what -- what I'd like to 7 conflict checks, and so on, and then we said: 7 find out is: How were those identified? 8 Let's consider moving forward. 8 Did you find them yourself, or did 9 9 Um, I don't know if exactly at the the Robins Kaplan send them to you? 10 same time -- that would have been when they 10 A. Well, when -- when you say 11 probably sent me the patents-in-suit or perhaps 11 "identified," you mean how were they brought to 12 -- um, oh, you know, I may have gone online and 12 -- to light in the case? 13 searched for any sort of, um, legal activity 13 How were they found and brought into 14 about it. I do that often. If somebody calls 14 our -- our intent to look at them and use them? Q. How were they brought to your 15 me out of the blue with a case, I'll go to one 15 16 of the online patent information people, whether 16 attention? 17 it's Knobbe Marten or Martens or any of the --17 A. That would have been a very 18 uh, and I can't -- I don't remember the names of 18 collaborative effort. As -- as I'm sure you're 19 them now, but there's multiple different sort of well aware, there's -- this is a large bunch of 20 patent groups out there that provide newsletters 20 IPRs and a lot of things going on here, so there 21 and information on PTAB filings, as well as 21 would have been, um, both my research and my own 22 court filings. So I probably looked for 22 history in this area, as well as the attorneys 23 23 something there. at Robins Kaplan who would be looking for the 24 And then very shortly after that, we 24 appropriate prior art.

5 (Pages 14 - 17)

Q. Do you recall any specific pieces of

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probably discussed, um, a retaining letter of

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