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.

> IPR2020-01341 IPR2020-01342 Patent 8,142,413

## **DECLARATION OF PETER T. KEITH**



**Teleflex Ex. 2138 Medtronic v. Teleflex** A R M Find authenticated court documents without watermarks at <u>docketalarm.com</u>.



 Teleflex Ex. 2138

 Medtronic v. Teleflex

 Find authenticated court documents without watermarks at docketalarm.com.

	D.	Adams (Ex-1035)				
	E.	Takahashi (Ex-1010)				
Х.	ITO	ITOU-BASED CHALLENGES				
	A.	The Evidence Does Not Show That Itou Anticipates the Challenged Claims (IPR2020-01341 Ground 1, Claims 1-2, 4, 7-14)91				
		1. The Evidence Does Not Show Itou's Protective Catheter Is an "interventional cardiology device" (Claims 1-2, 4, 7-14)91				
		2. The Evidence Does Not Show Itou's Protective Catheter Is Inserted Through the Guide Catheter "alongside of the substantially rigid portion" (Claims 1-2, 4, 7-14)				
		3. The Evidence Does Not Show that Itou Discloses "applying a force to a coaxial guide catheter such that the distal portion of the coaxial guide catheter remains seated in response to an opposing backward force exerted by the interventional cardiology device" (Claim 2)				
		4. The Evidence Does Not Show that Itou Discloses "extending the interventional cardiology device through a proximal side opening while the proximal portion remains within the lumen of the guide catheter" (Claims 9-12)				
	В.	The Evidence Does Not Show That A POSITA Would be Motivate to Insert Interventional Cardiology Devices Into Itou's Suction Catheter (IPR2020-01341 Ground 2, All Challenged Claims)				
		1. The Evidence Does Not Show that a POSITA Would Be Motivated to Insert Interventional Cardiology Devices into Itou's Proximal Opening While the Suction Catheter Is in the Guide Catheter (All Challenged Claims)100				
		2. The Evidence Does Not Show a POSITA Would Be Motivated to Use Itou's Suction Catheter to Provide Backup Support for the Delivery of Interventional Cardiology Devices (Claims 2 and 7)				



	C. The Evidence Does Not Show A POSITA Would Be Motiva to Insert Interventional Cardiology Devices Into Itou's Suction Catheter in View of Ressemann (IPR2020-01341 Ground 3, Challenged Claims)					
		1.	Itou and Ressemann Are Designed for Different Purposes, and a POSITA Would Not Rely on Ressemann to Modify Itou (All Challenged Claims)115			
		2.	Bagaosian, Limbruno, and Baim are Also Structurally Different from Itou's Suction Catheter (All Challenged Claims)			
XI.	KONTOS-BASED CHALLENGES					
	A.	The Evidence Does Not Show that a POSITA Would Use Kontos and/or Adams in the Manner Required by the Claimed Method Steps (IPR2020-01342, All Grounds, All Claims)				
	B.	The Evidence Does Not Show that Kontos Discloses Particular Claimed Methods of Providing Backup Support (IPR2020-01342, Ground 1, Claims 2 and 7)				
		1.	Kontos Does Not Disclose the Specific Steps of Claim 2125			
		2.	The Evidence Does Not Show a POSITA Would Look to Kontos to Provide Backup Support As Claimed (Claims 2 and 7)			
	C.	The Evidence Does Not Show a POSITA Would Modify Kontos in View of Adams to Create a Proximal Side Opening (IPR2020- 01342, Ground 1, Claims 4, 9-12, and 14)				
		1.	A POSITA Would Understand Removing Kontos's Funnel Would Create Problems, Not Solve Them (Claims 4, 9-12, and 14)			
		2.	Adams Does Not Teach or Suggest that the Guide Seal's Angled Proximal Opening Is Intended to Facilitate Introducing Devices <i>into</i> the Guide Seal Itself, and Actually Teaches that the Guide Seal Is Preferably <i>Removed</i> Before Introducing any Treatment Devices (Claims 4, 9-12, and 14)139			

DOCKET A L A R M

		3.	The Evidence Does Not Show A POSITA Would Have Been Motivated to Combine Kontos and Adams (Claims 4, 9-12, and 14)			
	D.	The Evidence Does Not Show a POSITA Would Modify the Diameter of the Lumen of Kontos's Tubular Structure "to be more than one French smaller than the cross-sectional inner diameter of the guide catheter" (IPR2020-01342, Ground 2, Claim 13)				
XII.	OBJECTIVE EVIDENCE OF NONOBVIOUSNESS					
	A.		Use of GuideLiner Embodies At Least the Methods of ns 4, 9, and 14 of the '413 Patent162			
	B.	Long-Felt Need				
	C.	Commercial Success				
	D.	Industry Praise1				
	E.	Licensing17				
	F.	The <i>Guidezilla</i> (Boston Scientific), <i>Boosting Catheter</i> (QXMédical) and <i>Telescope</i> (Medtronic) Products Are All Substantially Similar to Teleflex's Patented <i>GuideLiner</i>				
		1.	Boston Scientific Corp.'s Guidezilla Catheter Is Substantially Similar to the GuideLiner V1174			
		2.	QXMédical's Boosting Catheter Is Substantially Similar to GuideLiner V1			
		3.	Medtronic's Telescope Product Is Substantially Similar to GuideLiner V3			
	G. Nexus					



## DOCKET A L A R M



# 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.