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

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

Petitioners,

vs.

TELEFLEX INNOVATIONS S.A.R.L.,

Patent Owner.

IPR2020-00126 (Patent 8,048,032 B2)
IPR2020-00127 (Patent 8,048,032 B2)
IPR2020-00128 (Patent RE45,380 E)
IPR2020-00129 (Patent RE45,380 E)
IPR2020-00130 (Patent RE45,380 E)
IPR2020-00132 (Patent RE45,760 E)
IPR2020-00134 (Patent RE45,760 E)
IPR2020-00135 (Patent RE45,776 E)
IPR2020-00136 (Patent RE45,776 E)
IPR2020-00137 (Patent RE47,379 E)
IPR2020-00138 (Patent RE47,379 E)

VOLUME II

REMOTE VIDEOTAPED DEPOSITION OF

MICHEAL JONES

DATE: January 20, 2021
TIME: 7:58 a.m. (Pacific)
PLACE: Veritext Virtual Videoconference

PAGES: 1 to 163
JOB NO.: MW 4402861
REPORTED BY: Merilee Johnson, RDR, CRR, CRC, RSA

APPEARANCES
(All appearing remotely via videoconference)

ON BEHALF OF THE PETITIONERS:
ROBINS KAPLAN LLP
BY: Christopher A. Pinahs, Esq.
Cyrus A. Morton, Esq.
Shelley R. Gilliss, Ph.D.
800 LaSalle Avenue
Suite 2800
Minneapolis, Minnesota 55402
Phone: (612) 349-8500
Email: CMorton@RobinsKaplan.com
Email: CPinahs@RobinsKaplan.com
Email: SGilliss@RobinsKaplan.com

ON BEHALF OF THE PATENT OWNERS:
CARLSON, CASPERS, VANDENBURGH, LINDQUIST & SCHUMAN, PA
BY: Joseph W. Winkels, Esq.
Peter M. Kohlhepp, Esq.
225 South Sixth Street
Suite 4200
Minneapolis, Minnesota 55402
Phone: (612) 436-9600
Email: JWinkels@CarlsonCaspers.com
Email: PKohlhepp@CarlsonCaspers.com

ALSO APPEARED:
Greg Smock (Teleflex)
Peter Keith (Teleflex)
Justin Bond (Videographer)

INDEX

EXHIBITS

EXHIBITS
(Continued)

(PROCEEDINGS, 01/20/2021, 9:58 a.m.)

THE VIDEOGRAPHER: Good morning. Today is January 20, 2021. We're on the record at 7:58 a.m. Today we'll take the videotaped deposition in Case No. IPR2020-00138.

This deposition is being held remotely.

Counsel, please state your appearance and affiliation for the record.

MR. WINKELS: Good morning. On behalf of patent owner, Joe Winkels with the Carlson Caspers firm. Also with me from my firm is Peter Kohlhepp. And on the line is Greg Smock from Teleflex, as well as Pete Keith.

MR. PINAHS: Christopher Pinahs from the Robins Kaplan law firm on behalf of the petitioner, Medtronic. I'm also joined this morning by my colleague Cyrus Morton and Shelley Gilliss.

THE VIDEOGRAPHER: Thank you. Would you please swear the witness.

MICHEAL JONES,
duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. WINKELS:

Q. Good morning, Mr. Jones.

A. Good morning.
Q. Do you have Exhibit 1807 in front of you?
(Exhibit No. 1807 was introduced.)
A. Yes, I do. Hang on just a second. Let me open to that. Okay.
Q. All right. And Exhibit 1807 is your declaration in this IPR matter, correct?
A. That's correct.
Q. Okay. And I'm going to try to start where we kind of left off on Monday, and we'll keep going through your declaration as we did on Monday.
Does that sound okay?
A. Yes, it does.
Q. All right. And, likely, I will also move the exhibits into the Exhibits folder on the Exhibit Share. Do you have the Exhibit Share up, Mr. Jones?
A. Yes. Yes, I do.
Q. Okay. And just to make sure we're seeing the same things. If you go into the Marked Exhibits folder, do you see your declaration there now, 1807?
A. Yes, I do.
Q. Okay. Perfect. So if you could turn to page 49 of your declaration. It's around

paragraph 121.
A. Okay.
Q. And just to orient us: On Monday evening when we concluded, we were discussing the two alternatives that you proposed for modifying the Itou reference with the Ressemann collar, right?
A. I believe that is correct.
Q. And the two alternatives you proposed, one is where you take the Ressemann collar and you set the tab portion of the collar on top of the Itou wire, and the other alternative is where you take the Ressemann collar and you situate the tab portion on the bottom of the Itou wire. Right?
A. Yes. I believe we were at that point when we ended the deposition.
Q. Yep. Perfect. And we discussed in the situation -- or the proposal you have where you put the Ressemann collar on top of the wire in Itou, you said in that combination you would remove both the Itou collar and the Itou coil; is that right?
A. Yes.
Q. In the alternative embodiment where you put the Ressemann collar and the tab portion of the Ressemann collar underneath the Itou wire, would you also remove the Itou collar and the Itou coil

in that alternative combination?
A. Yes, I would.
Q. Okay. Now, at paragraph 124 of your declaration, in that first sentence of paragraph 124 you're discussing Itou and Ressemann. And you say, "...these areas can be estimated based on the figures and dimensions reported in each patent."
Correct?
A. Yes, I do.
Q. You agree it is appropriate to look at the figures in Itou and Ressemann to estimate relative dimensions of the various portions of the device, right?
A. I believe when you take the figures of both Itou and Ressemann and then bring them -- scale one relative to the other to bring them to the same, in my case, internal dimension -- ID of the two, or the ID of the opening, then at that point you can approximate the area of the openings to give a relative size comparison.
Q. Right. And that's the only point I wanted to make, is that throughout your declaration you are looking at patent figures, and if a patent figure doesn't have a specific dimension specified

in the specification, you are using that patent figure and scaling that patent figure to try to ascertain dimensions of that structure, right?
A. I'll re- -- I'll try to answer your question in my verbiage.
So where a patent had a dimension specified, we've applied -- I've applied those dimensions to the drawing to translate or place in the drawing the appropriate dimensions that are specified in its patent.
And then where there are not dimensions specified from those patents, estimating, based on some known dimensions or some known geometric reference, what the drawing represents as the -- what the drawing represents dimensionally.
And then in the cases where we have patents with different IDs, I'm bring- -- scale the assembly to the same internal dimension and then run my calculations or estimations based on those similar internal dimensions as the basis for, say, the scale between the two -- two patents.
Q. And in doing the estimation part of the analysis you just described, you are using the figures of the patents to aid you in that estimation of various dimensions, right?

A. Yes. I am using the patent drawings to aid me in that estimation.
Q. Okay. Looking down to paragraph 127.
A. Okay.
Q. All right. Now, in 127 you are saying that using Ressemann's collar would reduce kinking because it would eliminate the weld point between the wire 25 and the proximal opening, right?
A. Hold on a second. Let me read that paragraph before you . . . (Reviewing document.)
Okay. Okay. So, again, your question, please?
Q. Yeah. Are you saying that you would use Ressemann's collar to eliminate the weld point in Itou to reduce kinking?
MR. PINAHS: Objection. Form.
A. Can you re-ask that question?
Q. Let's just break it up. Are you saying you would use Ressemann's collar 2141 in your proposed combination that you discuss in paragraph 127 to eliminate the weld point in Itou?
A. The answer is yes. So I would be using the collar in Ressemann in place or to trans- -- in place of the weld point in Itou. So the collar would provide an increase -- or the ability to

provide a transition in stiffness between the wire and the opening of Itou.
Q. Is it your opinion that the weld point in Itou is a location that may increase kinkability?
A. Yeah. It's my -- it's my opinion that the weld point being -- essentially having -- sorry.
It's my opinion that the transition between the Itou collar and the wire would have a -- the transition area where the wire has been flattened and welded to the Itou collar provides a risk of a kink forming at that joint, just due to the shortness of the transition.
And the fact that the -- flattening the wire by crushing it is going to locally result in work hardening and a decrease in the ductility of the wire at that location.
Q. Right. I want to talk about that. Before we get to that, though, I have a -- my first question is: If you look at the combination you show in paragraph 121 of your declaration.
A. Okay. Let me flip over to that.
Q. Can you see at -- in paragraph 121 of your declaration, you show your proposed combination where you've included the Ressemann collar on top of the wire in Itou?

A. Mm-hmm. Yes, I see that.
Q. In the combination you show in paragraph 121, the weld point is still present, right,
A. No, I --
MR. PINAHS: Object to form.
A. -- think --
MR. PINAHS: You can answer, Mr. Jones.
A. Now, in this schematic I basically overlaid what the -- where the -- where I would place the collar in relation to the Itou construction.
So the wire that's shown in Itou here is unmodified. It's just the Itou form that was provided, and then on top of it is placed the Ressemann collar. And you can see it's embedded within the wall on the top, and there's some manipulation or modification I'd have to make to get it fully embedded in the wall at the proximal end of Itou.
So the -- I don't -- my attempt is not to show the weld point of Itou. My attempt is to show where I believe the Ressemann collar would fit within this construction.
Q. Okay. So is it fair to say that the figure you show in paragraph 121 is not an accurate

representation of the ultimate combination you are proposing between Ressemann and Itou?
MR. PINAHS: Objection. Form.
A. Can you rephrase that, please? Just to make sure I answer the right question.
Q. Sure. Is it fair to say that the figure you show in paragraph 121 is not an accurate representation of the ultimate combination you are proposing between Ressemann and Itou?
MR. PINAHS: Same objection.
A. It's in an -- it's an attempt -- my attempt to demonstrate what the combination -- what Itou's layout would look like with the Ressemann collar attached.
I think this is, you know, an interim view of what would be done with the product. There are other changes that I would probably make in conjunction with this, where I would make this full change, but this is -- my best description, an interim view of the -- what it would look like.
Q. Thank you. That's all I'm trying to establish, is that the figure you show in paragraph 121, you would make further modifications beyond those shown in that figure to arrive at the ultimate combination you are proposing between

Ressemann and Itou, right?
A. Yeah. I make other modifications that are routine engineering decisions to improve the transition from one to the other.
Q. Okay. Let's talk about that ductility issue you referenced. And I'll draw your attention back to paragraph 127. That's where you talk about ductility. Let me know when you're there, please.
A. Okay. Back to 127.
Q. Okay. In that paragraph you refer to "ductility." What is ductility?
A. Ductility is essentially the -- the materials in the -- in relation to metal, ductility is the ability for material to bend, to be reshaped. I think those would be the two features that would -- are related to the ductility of a metal.
Q. Do you agree that "ductility" refers to a metal's ability to permanently deform?
A. Can you rephrase that question? It's -- I just want to make sure we're accurate on wording there -- or my understanding of your question.
Q. Yeah. And that's what I'm trying to understand, is what you mean by "ductility." Does "ductility" refer to a material's ability to

permanently deform?
A. Yes, in general, it does. In the case of stainless steels, permanently deforming them by, in this case a crushing action, adds work-hardening. So that work-hardening reduces the ductility of the metal locally.
Q. Okay. And in the context of these interventional devices we're talking about, we refer to "kinking." And "kinking" implies permanent deformation, right?
A. In regards to a metal, it typically does refer to a permanent deformation.
Q. Okay. Okay. So in paragraph 127, if you can look at the second-to-last sentence of that paragraph. And what you say is, "A reduction in ductility at a critical stiffness transition point is known in the art to be susceptible to kinking."
Right? That's what you said, right?
A. "A reduction..."
Q. I just read what you said in paragraph 127.
A. Yes, I'm reading it.
Q. Okay.
A. Yes, that's what's written.
Q. Okay. My question is: When you say a reduction in ductility would be susceptible to

kinking, are you saying a reduction in ductility would be more susceptible to kinking?
A. No, I don't think -- well, I don't think that's the intent -- or I don't believe that is accurate.
The localized -- so in this -- in the Itou collar-to-wire weld, the combination of the work-hardening and the welding will make a -- the work-hardening due to crushing the wire and the welding to attach the collar to the wire, we're going to have a dis- -- there will be a discontinuity in the stiffness of the wire. And that discontinuity is the place most likely to kink.
So it may not be necessarily at the -- that transition, but immediately adjacent to it.
Q. Okay. Are you saying that the work-hardening that Itou does reduces the ductility?
A. Yes, I am.
Q. Okay. And isn't something that is ductile more able to bend and kink than something that is not ductile?
A. No.
Q. Okay.

A. So if we want to use -- so a nonductile wire may be able to bend in a large curvature -- yeah, when it's forced into a small curvature will exceed its elastic limit, producing a permanent change in shape that's not recoverable.
A ductile wire will have -- in a similar circumstance, could go through a large-diameter bend and not be affected, but a ductile wire would have -- have a permanent deformation happen at potentially a less -- under a less extreme bend. So . . .
Q. Okay. I just want to understand what you believe ductility relates to in this context. My question is: Do you agree that the more something is ductile, the more likely it is to kink?
A. Not necessarily. I want to -- I would rephrase that statement slightly, I think. The more something is ductile, the easier it is to bend and the easier it is for that bend to become permanent. And similarly, the more something is ductile, the easier it is to unbend and restraighten.
The less ductile a wire is, the production of a kink, from whatever reason, would be nearly -- would require substantial amount of work to

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