

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

MEDTRONIC, INC. AND MEDTRONIC VASCULAR, INC.

Petitioner,

v.

TELEFLEX LIFE SCIENCES LIMITED,

Patent Owner.

Case IPR2020-01341  
U.S. Patent No. 8,142,413

Case IPR2020-01342  
U.S. Patent No. 8,142,413

Case IPR2020-01343  
U.S. Patent No. RE 46,116

Case IPR2020-01344  
U.S. Patent No. RE 46,116

---

**SUPPLEMENTAL DECLARATION OF STEPHEN JON DAVID BRECKER,  
MD, FRCP, FESC, FACC**

## Table of Contents

	Page
I. Overview.....	4
II. Claim Construction.....	5
A. “interventional cardiology device”.....	5
B. The claimed step of inserting an interventional cardiology device need not be performed only after the coaxial guide catheter is inserted into the guide catheter. ....	10
III. Itou-based grounds.....	13
A. Types of interventional cardiology devices insertable through catheter (2).....	13
B. Distal end protective catheter (5) .....	16
C. Advancing the interventional cardiology device . . . into contact with or past a lesion in the second artery .....	17
D. Itou discloses that protective catheter (5) is inserted through a guide catheter “alongside of the substantially rigid portion” of the coaxial guide catheter. ....	21
E. Itou discloses “applying a force to . . . the 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.” .....	22
F. Itou discloses that protective catheter (5) is extended through a “proximal side opening . . . while the proximal portion remains within the lumen of the guide catheter.” .....	23
G. It would have been obvious to insert an interventional cardiology device such as a stent or balloon through Itou’s suction catheter (2). ....	24
H. Itou and Ressemann collar 2141 .....	28
I. Itou and Kataishi .....	32

IV.	Kontos–based grounds.....	34
A.	Tube 16 of Kontos’s body 12 is not a narrow tube .....	34
B.	Kontos necessarily resists axial and shear forces that would otherwise tend to dislodge the guide catheter. ....	38
C.	The side opening claims are obvious. ....	43
1.	Replacing Kontos’s proximal funnel with a side opening would maximize the usable “real estate” inside the catheter assembly. ....	43
2.	After removing Kontos’s proximal funnel, a POSITA would have been motivated to maximize the usable real estate, but even if no further modifications were made, Kontos would not have a “problem gap.” .....	47
3.	After removing Kontos’s proximal funnel, Kontos’s support catheter 10 would remain coaxially aligned with the guide catheter. ....	51
D.	A POSITA would have been motivated with a reasonable expectation of success to achieve the no-more-than-one-french differential between inner diameters of the guide catheter and body 12. ....	53
E.	My opinion remains unchanged: the claims that recite a two-inclined side opening are obvious. ....	55
1.	Kontos + Ressemann and Kontos + Ressemann + Takahashi ..	55
2.	Kontos + Ressemann + Takahashi + Kataishi .....	57
V.	Teleflex’s evidence regarding secondary considerations does not alter my opinion that the challenged claims are obvious.....	59

## I. Overview

1. I have been retained by Robins Kaplan LLP on behalf of Medtronic, Inc. and Medtronic Vascular, Inc. (“Medtronic”) as an independent expert to provide my opinions concerning U.S. Patent Nos. 8,142,413 and RE46,116 (the “Teleflex Patents”) in IPR2020-01341, IPR2020-01342, IPR2020-01343, and IPR2020-01344.<sup>1</sup>

2. I set forth the information below as a supplement to my original declarations, as Teleflex raised new issues in their Patent Owner Responses on which I had not previously been given an opportunity in these IPRs to offer testimony. Having considered Teleflex’s arguments, and the testimony of Teleflex’s declarants, my opinions on the invalidity of the Teleflex Patents remain the same.

3. I have reviewed additional material in conjunction with my analysis set forth herein. This includes the Final Written Decisions in IPRs on related Teleflex patents: IPR2020-00126, IPR2020-00127, IPR2020-00128, IPR2020-00129, IPR2020-00130, IPR2020-00132, IPR2020-00134, IPR2020-00135, IPR2020-00136, IPR2020-00137 and IPR2020-00138 (“Related IPRs”). A list of

---

<sup>1</sup> Citations to exhibits refer to exhibits filed in IPR2020-01341, unless noted otherwise. I understand that most of Teleflex’s and Medtronic’s exhibits are numbered consistently across all four IPRs.

these materials includes everything cited in this declaration, and the materials disclosed in my original declarations.

## II. Claim Construction

### A. “interventional cardiology device”

4. The opinion in this section generally relates to at least IPR2020-01341 and IPR2020-01342.

5. I am aware that when the Board instituted the IPR2020-01341 petition it determined that the limitation “interventional cardiology device” refers to “at least two types of the devices selected from the group that includes, but is not limited to, guidewires, balloon catheters, stents, and stent catheters.” IPR2020-001341, Paper 11 (“I.D.”) at 16. This limitation appears in independent claim 1 of the ’413 patent.

6. At institution, the Board additionally determined that the claims do not require that more than one of guidewires, stents, stent catheters, and balloon catheters be simultaneously insertable into and through the lumen of the claimed coaxial guide catheter. *Id.* Additionally, it determined that Medtronic demonstrated where Itou discloses every limitation of claim 1. *Id.* at 24.

# 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.