

Filed: December 10, 2020

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MEDTRONIC COREVALVE LLC,

PETITIONER,

V.

COLIBRI HEART VALVE LLC,

PATENT OWNER.

Case No. IPR2020-01454

U.S. Patent No. 9,125,739

**DECLARATION OF SARAH E. SPIRES IN SUPPORT OF PATENT
OWNER'S PRELIMINARY RESPONSE
UNDER 35 U.S.C. § 313 AND 37 C.F.R. § 42.107**

Pursuant to 28 U.S.C. § 1746, I, Sarah E. Spires, hereby declare as follows:

1. I am over the age of eighteen and otherwise competent to make this declaration. I have personal knowledge of the facts contained in this declaration, and they are true and correct.

2. I am a Partner with the law firm of Skiermont Derby LLP, which represents the Patent Owner, Colibri Heart Valve, LLC (“Colibri”) in this proceeding. I am a registered patent attorney and am lead counsel in this proceeding.

3. Ex. 2001 is a true and correct copy of docket entry 1 in Case No. 8:20-cv-00847-DOC-JDE, filed on May 4, 2020 in the United States District Court Central District of California Southern Division – Santa Ana, and entitled “Complaint for Patent Infringement.” This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

4. Ex. 2002 is a true and correct copy of docket entry 48 in Case No. 8:20-cv-00847-DOC-JDE, filed on August 31, 2020 in the United States District Court Central District of California Southern Division – Santa Ana, and entitled “Joint Rule 26(f) Report.” This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

5. Ex. 2003 is a true and correct copy of docket entry 53 in Case No. 8:20-cv-00847-DOC-JDE, filed on September 4, 2020 in the United States District Court Central District of California Southern Division – Santa Ana, and entitled “Scheduling Order & Order Re: Pretrial and Trial Procedures.” This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

6. Ex. 2004 is a true and correct copy of docket entry 71 in Case No. 8:20-cv-00847-DOC-JDE, filed on November 20, 2020 in the United States District Court Central District of California Southern Division – Santa Ana, and entitled “Joint Stipulation and Request to Enter [Proposed] Orders: (1) [Proposed] Case Schedule [Exhibit A]; [sic] [Proposed] Protective Order [Exhibit B]; and (3) [Proposed] Order Appointing David Keyzer as the Special Technical Master [Exhibit C].” This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

7. Ex. 2005 is a true and correct copy of docket entry 73 in Case No. 8:20-cv-00847-DOC-JDE, filed on November 24, 2020 in the United States District Court Central District of California Southern Division – Santa Ana, and entitled “Order Regarding Case Schedule [71-1].” This document has been marked

with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

8. Ex. 2006 is a true and correct copy of docket entry 75 in Case No. 8:20-cv-00847-DOC-JDE, filed on November 24, 2020 in the United States District Court Central District of California Southern Division – Santa Ana, and entitled “Order Appointing Technical Special Master [71-3].” This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

9. Ex. 2007 is a true and correct copy of Medtronic’s proposed claim constructions, sent on December 2, 2020 to Colibri’s counsel in Case No. 8:20-cv-00847-DOC-JDE. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

10. Ex. 2008 is a true and correct copy of docket entry 50 in Case No. 8:20-cv-00847-DOC-JDE, filed on September 4, 2020 in the United States District Court Central District of California Southern Division – Santa Ana, and entitled “Medtronic CoreValve LLC’s Notice of Motion and Motion to Stay Litigation Pending *Inter Partes* Review.” This document has been marked with an exhibit

label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

11. Ex. 2010 is a true and correct copy of docket entry 54 in Case No. 8:20-cv-00847-DOC-JDE, filed on September 8, 2020 in the United States District Court Central District of California Southern Division – Santa Ana, and entitled “Notice of Clerical Error.” This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

Under penalty of perjury, I declare the above statements as true and accurate to the best of my recollection. I further state that these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the U.S. Code.

Executed on this 10th day of December, 2020.

/Sarah E. Spires/

Sarah E. Spires (Reg. No. 61,501)