

# Petitioner's Demonstrative Slides

*Medtronic Corevalve LLC v. Colibri Heart Valve LLC*  
*Inter Partes Review of*  
**U.S. Patent No. 9,125,739**  
**December 8, 2021**

IPR2020-01454  
Patent Trial and Appeal Board  
United States Patent and Trademark Office

## Table of Abbreviations

Abbreviation	Description
'739	Ex. 1001, U.S. Patent No. 9,125,739
Drasler	Ex. 1002, Declaration of Dr. Drasler
Drasler Reply	Ex. 1041, Reply Declaration of Dr. Drasler
DraslerTr	Ex. 2020, Deposition Transcript of Dr. Drasler
Garrison	Ex. 1005, U.S. Patent No. 6,425,916
Leonhardt	Ex. 1006, U.S. Patent No. 5,957,949
Limon	Ex. 1008, U.S. Patent No. 6,077,295
Gabbay	Ex. 1009, U.S. Patent No. 7,025,780
Phelps	Ex. 1010, WO0015147
Letac	Ex. 1012, WO9829057
Andersen	Ex. 1013, U.S. Patent No. 5,840,081
Nguyen	Ex. 1020, U.S. Patent No. 5,961,549
Cox	Ex. 1021, U.S. Patent No. 5,713,950
Pet.	Paper 2 (Petition)
POPR	Paper 6 (Patent Owner's Preliminary Response)
DI	Paper 11 (Decision on Institution)
POR	Paper 14 (Patent Owner's Response)
Reply	Paper 18 (Reply)
POSR	Paper 19 (Patent Owner's Sur-Reply)
PO	Patent Owner (Colibri Heart Valve LLC)

All citations within quotations omitted herein, and emphasis added unless otherwise indicated

## Introduction

## Claim 1 of the '739 patent:

[1.pre] An assembly to treat a native heart valve in a patient, the assembly for use in combination with a guidewire, the assembly comprising:

[1.1] a prosthetic heart valve including: a stent member having an inner channel, the stent member collapsible, expandable and configured for transluminal percutaneous delivery, wherein

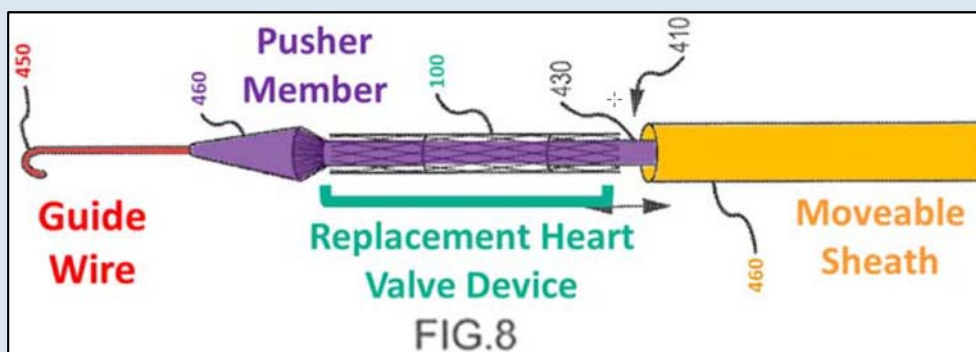
[1.2] **the stent member includes a tubular structure away from a central portion that flares at both ends in a trumpet-like configuration;** and

[1.3] **a valve means including two to four individual leaflets made of fixed pericardial tissue,** wherein the valve means resides entirely within the inner channel of the stent member, and wherein no reinforcing members reside within the inner channel of the stent member;

[1.4] a delivery system including a pusher member and a moveable sheath, the pusher member including a guidewire lumen, wherein the pusher member is disposed within a lumen of the moveable sheath, wherein

[1.5] the prosthetic heart valve is collapsed onto the pusher member to reside in a collapsed configuration on the pusher member and is restrained in the collapsed configuration by the moveable sheath, wherein a distal end of the prosthetic heart valve is located at a distal end of the moveable sheath, and wherein

[1.6] the valve means resides entirely within the inner channel of the stent member in said collapsed configuration and is configured to continue to reside entirely within the inner channel of the stent member upon deployment in the patient.



## The Board need not construe the terms PO disputes

- **PO's Construction** of “valve” and “valve means” ([1.pre], [1.1], [1.3], [1.5], [1.6]): “portions of the replacement heart valve 8 device that allow the one-way flow of blood” (POR 7-8)
  - PO does not contest that Garrison and Andersen each disclose “valve means.” *See* POR 10-14; Reply 1.
- **PO's Construction** of “flares at both ends in a trumpet-like configuration” ([1.2]): “having, at each end, a widening that resembles the bell of a conventional musical trumpet” (POR 7)
  - PO concedes Garrison and Leonhardt disclose “trumpet-like” structures (and does not raise the issue vis-à-vis the Andersen grounds). *See* POR 27, 45; DI 25; Reply 1.
- **PO's Construction** of “controlled release mechanism” ([5]): “the operator can control when the valve ... is released,” including “control [of the valve's release] so that [the valve] doesn't just arbitrarily pop out ... when [the operator] do[es]n't want it to.” (POR 8)
  - PO's subjective construction should be rejected, but nevertheless does not impact whether the limitation is met (*see* Slides 28-29)
  - PO's construction relies solely on and omits the key highlighted portions of Dr. Drasler's testimony

### Drasler:

Q. And so I think you -- you sort of set forth a meaning of that in paragraph 69, and so I wanted to see if I understand what you're saying. Is it the case that, to one of ordinary skill in the art, you would view controlled release meaning that the operator can control when the valve of Garrison is released from the sheath?

A. Control when it's released, and control it so that it doesn't just arbitrarily pop out, **so it has some frictional aspect to it so that it doesn't want to just go outwards** and -- when you don't want it to, yes.

DraslerTr. 87:7-18; *see also* Reply 2.

### Garrison Grounds

Ground	Basis	Claim(s)	Prior Art
1	§103	1-5	Garrison
2	§103	1-5	Garrison in view of Leonhardt
3	§103	1-5	Garrison in view of Nguyen
4	§103	1-5	Garrison in view of Leonhardt and Nguyen

Pet. at 11.

### Disputed Issues

PO's Arguments	POR/POSR	Slides
<p>"a valve means including ... leaflets made of fixed <b>pericardial tissue</b>;" ('739, [1.3])</p> <p>Grounds 1-2: <b>Garrison</b> renders obvious</p> <p>Grounds 3-4: <b>Nguyen</b> and motivation to apply its teachings to Garrison (and Leonhardt)</p>	<p>POR 21-25; POSR 1-12</p> <p>POR 46-48; POSR 9-10</p>	<p>Slides 6-10</p> <p>Slides 11-12</p>
<p>"the stent member includes a tubular structure away from a central portion that flares at both ends in a <b>trumpet-like configuration</b>" ('739, [1.2])</p> <p>Grounds 1, 3: <b>Garrison</b></p> <p>Grounds 2, 4: <b>Leonhardt</b>, motivation to apply its teachings to Garrison</p>	<p>POR 10-21, 26-33; POSR 22-24</p> <p>POR 37-46</p>	<p>Slides 13-21</p> <p>Slides 22-26</p>
<p>"controlled release mechanism that can be activated" ('739, [5])</p> <p>Grounds 1-4: <b>Garrison</b></p>	<p>POR 33-37; POSR 24-25</p>	<p>Slides 27-30</p>

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