

Filed: December 29, 2020

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

EDWARDS LIFESCIENCES CORPORATION AND  
EDWARDS LIFESCIENCES LLC,

PETITIONER,

V.

COLIBRI HEART VALVE LLC,

PATENT OWNER.

---

Case No. IPR2020-01649  
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 the Prosecution File History of United States Patent No. 8,900,294, which was obtained from the USPTO’s Public PAIR system. 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.

12. Ex. 2012 is a true and correct copy of Medtronic’s Appendix A-2 to its Response to Colibri’s Invalidity Contention Interrogatory, sent on November 6, 2020 to Colibri’s counsel in Case No. 8:20-cv-00847-DOC-JDE, and entitled “Invalidity of U.S. 9,125,739 in View of Bessler, Klint and Teitelbaum”. 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.

13. Ex. 2013 is a true and correct copy of Medtronic’s Appendix A-3 to its Response to Colibri’s Invalidity Contention Interrogatory, sent on November 6, 2020 to Colibri’s counsel in Case No. 8:20-cv-00847-DOC-JDE, and entitled “Invalidity of U.S. 9,125,739 in View of Bessler and Teitelbaum”. This document has been marked with an exhibit label and page numbers on each page at the

# 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.