**Appendix A-3**
**Invalidity of U.S. 9,125,739 in View of Bessler and Teitelbaum**

The asserted claims of the '739 patent are anticipated or obvious over United States Patent No. 5,855,601 ("Bes
No. 5,332,402 ("Teitelbaum"), alone or in combination with the knowledge of a person of ordinary skill in the a
in combination with one or more other references disclosed in Medtronic's Invalidity Contentions, including oth

Bessler was filed on June 21, 1996, published on January 5, 1999, so it is prior art under 35 U.S.C. § 102(a), (b)

The citations provided below are exemplary and do not necessarily include each and every disclosure of the lim
Medtronic has endeavored to cite to the most relevant portions of the identified prior art, but other portions may
either expressly or inherently, and/or render obvious one or more limitations of the asserted claims. Thus, Med
right to rely on: (1) uncited portions of the identified prior art; (2) other prior art not identified herein; (3) refere
state of the art (irrespective of whether such references themselves qualify as prior art to the asserted patents); (
from the inventors or authors of the prior art references, or purveyors of prior art devices; and/or (5) expert testi
context to or aid in understanding the prior art and the state of the art at the time of the alleged invention.

The lack of a citation for an element should not be deemed an admission that the element is not disclosed or is n
reference. When the chart indicates a particular reference discloses or embodies a limitation, the terms "disclos
"embodies," and "embodied" refer to explicit and/or inherent disclosure and/or obvious variations of the actual
the extent Medtronic asserts that a claim is indefinite, Medtronic has used its best efforts to reasonably interpret
their duties in charting the prior art references.

Where Medtronic cites to a particular drawing or figure in the accompanying charts, the citation encompasses th
drawing or figure, as well as any text associated with the drawing or figure. Similarly, where citations are made
concerning a drawing or figure, the citation encompasses that drawing or figure. Certain identified prior art inh
features of the asserted claims. Medtronic reserves the right to rely on inherency to demonstrate the invalidity o
Moreover, certain prior art references may inherently disclose certain features of the asserted claims as construe
Medtronic may rely on cited or uncited portions of the prior art, other documents, factual testimony, and expert
the inherency of certain features of the prior art to invalidate the asserted claims.

To the extent Colibri contends that the prior art reference does not disclose any particular limitation of the asser
patent, either expressly or inherently, it would have been obvious to a person of ordinary skill in the art as of the
invention to modify the reference and/or to combine its teachings with other prior art references, including but n
art references identified in Medtronic's invalidity contentions and the relevant sections of the claim charts for th
manner that renders such claims invalid as obvious.

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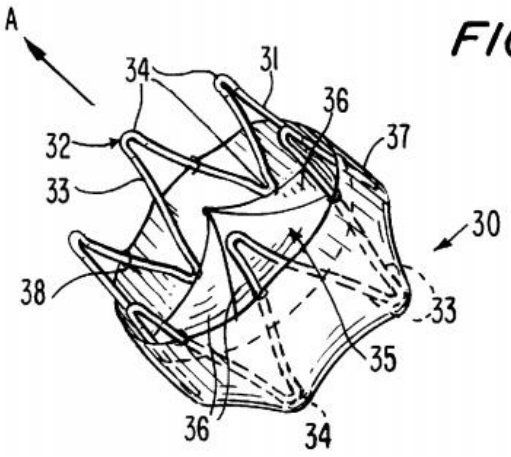
It would have been obvious under 35 U.S.C. § 103 to a person having ordinary skill in the art at the time of the invention to combine the teachings of Bessler with Teitelbaum, which was filed on May 12, 1992, published o prior art under 35 U.S.C. § 102(a), (b) and (e).

| | Claim language | Exemplary disclosure |
|---|---|---|
| 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: | To the extent this preamble is limiting, Bessler discloses "[a]n assemb heart valve in a patient, the assembly for use in combination with a gu comprising."<br><br>For example, Bessler discloses an assembly to treat a native valve in a<br><br>> The present invention relates to novel artificial heart valves. M the present invention relates to novel heart valves that are esp for placement using minimally invasive surgical techniques an and device useful for such placement.<br><br>Bessler at col. 1, lines 7-11. Bessler further discloses that the artificial combination with a guidewire:<br><br>> A guidewire 94 having a blunt end 95 is disposed through a l pusher member 93 and is used to guide the distal end of the ca desired site.<br><br>Bessler at col. 7, lines 35-38. |
| 1.a | a prosthetic heart valve including: a stent member having an inner channel, the stent member collapsible, expandable and configured for transluminal percutaneous delivery, wherein | Bessler discloses "a prosthetic heart valve including: a stent member l channel, the stent member collapsible, expandable and configured for percutaneous delivery, wherein."<br><br>For example, Bessler discloses an artificial heart valve with a stent me expandable: |

| | | |
|---|---|---|
| | | The invention includes a new heart valve which ma<br>percutaneously and transluminally, which heart valve c<br>member and a valve means. The stent member is self-expand<br>it valve means that permit flow in only one direction.<br><br>Bessler at col. 2, lines 57-62. Bessler further discloses that the artifi<br>configured for percutaneous delivery.<br><br>The present invention includes methods and devices for i<br>valve percutaneously and transluminally. The artificial he<br>invention, which are capable of exhibiting a variable dia<br>compressed or collapsed position and an expanded positio<br>relatively rigid stent member and (2) a flexible valve means.<br>is self-expanding and has a first cylindrical shape in it<br>collapsed configuration and a second, larger cylindrical sha<br>configuration.<br><br>Bessler at col. 3, lines 46-55. The drawings below show the stent in<br>collapsed configuration:<br><br>  <br><br>FIG. |

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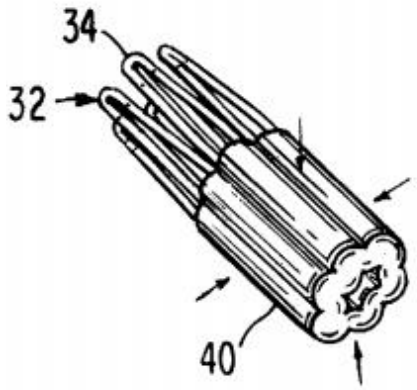
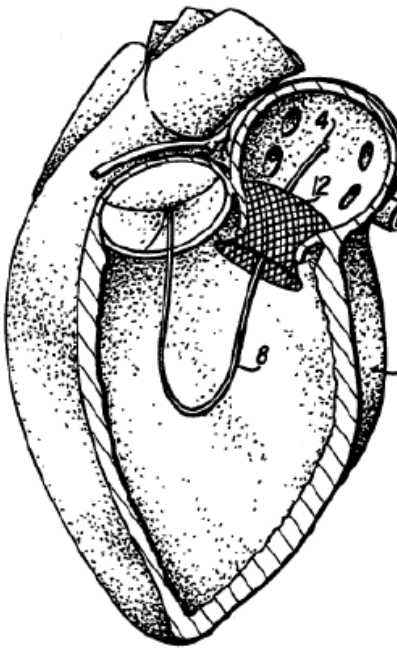
| | | |
|---|---|---|
| | | Bessler at FIG. 4 (showing stent in an expanded configuration).<br>  <br>Bessler at FIG. 5 (showing stent in a collapsed configuration). |
| 1.b | the stent member includes a tubular structure away from a central portion that flares at both ends in a trumpet-like configuration; and | The combination of Bessler and U.S. Patent No. 5,332,402 ("Teitel stent member includes a tubular structure away from a central porti ends in a trumpet-like configuration; and"<br><br>For example, Teitelbaum teaches a tubular structure away from a ce at both ends in a trumpet-like configuration:<br><br>The percutaneous cardiac valve has two possible design consists of two components. In the first design, one of the meshwork of nitinol wire of approximately 0.008 inch gau tubular structure with a minimum central diameter of 20 m central portion, the tubular structure flares markedly at both like configuration. The maximum longitudinal dimension o which shall be referred to as the stent or doubly-flared stent 20 mm. The maximum diameter of the flared ends of the sten 30 mm. The purpose of the stent is to maintain a semi-rig through the diseased cardiac valve following its balloon di |

| | | |
|---|---|---|
| | | ends of the stent maintain the position of this component valve following deployment. The stent contains a thin h coating that helps prevent thrombus formation along the in stent.<br><br>Teitelbaum at col. 2, lines 21-39.<br><br>FIG. 2<br>  <br><br>Teitelbaum at FIG. 2.<br><br>Both Bessler and Teitelbaum recognize the desirability of "anchor[i member at a desired site" Bessler at col. 2, lines 62-63). Bessler tea barbs to aid in achieving this goal (id.). Teitelbaum explains that th stent is to "maintain the position of this component across the nativ deployment" Teitelbaum at col. 2, lines 34-36 and col. 5, lines 63-6 |

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