

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EDWARDS LIFESCIENCES CORPORATION AND EDWARDS
LIFESCIENCES LLC,
Petitioners

v.

COLIBRI HEART VALVE LLC,
Patent Owner

Patent No. 9,125,739

**DECLARATION OF BRIAN P. EGAN IN SUPPORT OF
PETITION FOR *INTER PARTES* REVIEW OF
UNITED STATES PATENT NO. 9,125,739**

I, Brian P. Egan, make the following Declaration pursuant to 28 U.S.C. § 1746:

1. I am a Partner at the law firm of Morris, Nichols, Arsht & Tunnell LLP.

2. I provide this Declaration in support of Edwards Lifesciences Corporation and Edwards Lifesciences LLC's Petition for *Inter Partes* Review of United States Patent No. 9,125,739. Unless otherwise stated, the facts stated in this Declaration are based on my personal knowledge.

3. Ex. 1001 is a true and correct copy of United States Patent No. 9,125,739, which is available on the USPTO's Public PAIR system and was submitted as Ex. 1001 by Petitioner Medtronic CoreValve LLC ("Medtronic") in IPR2020-01454. 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. 1002 is a true and correct copy of the Declaration of William J. Drasler In Support of Petition for *Inter Partes* Review of United States Patent No. 9,125,739, which was filed as Ex 1002 in support of Medtronic's Petition for *Inter Partes* Review of United States Patent No. 9,125,739 in IPR2020-01454. This Declaration 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 Declaration.

5. Ex. 1003 is a true and correct copy of the Prosecution History File of United States Patent No. 9,125,739, which is available on the USPTO's Public PAIR system and was submitted as Ex. 1003 by Petitioner Medtronic in IPR2020-01454. 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. 1005 is a true and correct copy of U.S. Patent No. 6,425,916 to Garrison *et al.*, which is available on the USPTO's Public PAIR system and was submitted as Ex. 1005 by Petitioner Medtronic in IPR2020-01454. 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. 1006 is a true and correct copy of U.S. Patent No. 5,957,949 to Leonhardt *et al.*, which is available on the USPTO's Public PAIR system and was submitted as Ex. 1006 by Petitioner Medtronic in IPR2020-01454. 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. 1008 is a true and correct copy of U.S. Patent No. 6,077,295 to Limon *et al.*, which is available on the USPTO's Public PAIR system and was

submitted as Ex. 1008 by Petitioner Medtronic in IPR2020-01454. 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. 1009 is a true and correct copy of U.S. Patent No. 7,025,780 to Gabbay, which is available on the USPTO's Public PAIR system and was submitted as Ex. 1009 by Petitioner Medtronic in IPR2020-01454. 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. 1010 is a true and correct copy of WO 00/15147 to Phelps *et al.*, which is available on the World Intellectual Property Organization ("WIPO") website and was submitted as Ex. 1010 by Petitioner Medtronic in IPR2020-01454. 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. 1011 is a true and correct copy of the Prosecution History File of United States Patent No. 8,900,294, which is available on the USPTO's Public PAIR system and was submitted as Ex. 1011 by Petitioner Medtronic in IPR2020-01454. 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. 1012 is a true and correct copy of WO 98/29057 to Letac *et al.*, which is available on the World Intellectual Property Organization (“WIPO”) website and was submitted as Ex. 1012 by Petitioner Medtronic in IPR2020-01454. 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. 1013 is a true and correct copy of U.S. Patent No. 5,840,081 to Andersen *et al.*, which is available on the USPTO’s Public PAIR system and was submitted as Ex. 1013 by Petitioner Medtronic in IPR2020-01454. 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.

14. Ex. 1015 is a true and correct copy of the Prosecution History File of U.S. Patent Application No. 09/659,882, which is available on the USPTO’s Public PAIR system and was submitted as Ex. 1015 by Petitioner Medtronic in IPR2020-01454. 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.

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