

Filed on behalf of Medtronic Vascular, Inc.

By: David L. Cavanaugh, Reg. No. 36,476 (Lead Counsel)
Alexis Cohen, Reg. No. 76,998 (First Back-up Counsel)
Gregory Lantier (*pro hac vice* to be filed) (Back-up Counsel)
Jennifer Graber, Reg. No. 80,059 (Back-up Counsel)
Gilbert Smolenski, Reg. No. 78,549 (Back-up Counsel)

Wilmer Cutler Pickering Hale and Dorr LLP
1875 Pennsylvania Avenue, NW
Washington, DC 20006

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MEDTRONIC VASCULAR, INC.,
Petitioner,

v.

TMT SYSTEMS, INC,
Patent Owner.

IPR Trial No. IPR2021-01533
U.S. Patent No. 7,101,393

**PETITION FOR INTER PARTES REVIEW
OF CLAIMS 1, 2, 4, 10, 11, 26 OF
U.S. PATENT NO. 7,101,393
UNDER 35 U.S.C. § 312 AND 37 C.F.R. § 42.104**

Table of Contents

I.	Introduction.....	1
II.	Mandatory Notices.....	3
	A. Real Parties in Interest.....	3
	B. Related Matter	3
	C. Counsel.....	3
	D. Service Information.....	4
III.	Certification of Grounds for Standing under 37 C.F.R. §42.104(a).....	4
IV.	Overview of Challenge and Relief Requested.....	5
	A. Prior Art Patents and Printed Publications Relied Upon	5
	B. Grounds of Challenge.....	6
	C. Relief Requested.....	6
V.	Overview of the State of the Art and the '393 Patent	7
	A. The State of the Art	7
	B. The '393 Patent	12
	C. Summary of the '393 Patent's Prosecution.....	16
VI.	Person of Ordinary Skill in the Art.....	17
VII.	Claim Construction.....	18
	A. "shape of a M"/"shape of multiple Ms"/"M configuration" (claims 1, 2, 26).....	19
	B. "telescoping arm"/"telescoping arms" (claims 1, 2, 26).....	21
	C. Remaining Claim Terms	26
VIII.	Stelter, Quiachon, and Hartley Each Disclose the Attachment Device Claimed in the '393 Patent	28
IX.	Ground I: Challenged Claims 1, 2, 4, 10, 11, and 26 Are Anticipated by Stelter.....	30
	A. Independent Claim 1	30
	B. Dependent Claim 2	38
	C. Dependent Claim 4.....	41

D.	Dependent Claim 10	42
E.	Dependent Claim 11	43
F.	Independent Claim 26	44
X.	Ground II: Challenged Claims 1, 2, 4, 11, and 26 Are Anticipated by Quiachon.....	48
A.	Independent Claim 1	48
B.	Dependent Claim 2	58
C.	Dependent Claim 4.....	60
D.	Dependent Claim 11	61
E.	Independent Claim 26	62
XI.	Ground III: Challenged Claim 10 Would Have Been Obvious over Quiachon in View of Lau	65
A.	Dependent Claim 10.....	65
B.	Secondary Considerations of Nonobviousness Do Not Negate the Above Obviousness Grounds.....	68
XII.	Ground IV: Challenged Claims 1, 2, 4, 10, 11, and 26 Are Anticipated by Hartley	69
A.	Independent Claim 1	69
B.	Dependent Claim 2	78
C.	Dependent Claim 4.....	81
D.	Dependent Claim 10.....	82
E.	Dependent Claim 11	82
F.	Independent Claim 26	84
XIII.	Discretionary Denial Under §314(a) Is Not Warranted	87
XIV.	Conclusion	89

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Arthrex, Inc. v. Smith & Nephew, Inc.</i> , 935 F.3d 1319 (Fed. Cir. 2019), <i>cert. denied</i> , 141 S. Ct. 236 (2020)	27
<i>Catalina Marketing Int’l, Inc. v. Coolsavings.com, Inc.</i> , 289 F.3d 801 (Fed. Cir. 2002)	26
<i>Dish Network L.L.C. v. Broadband iTV, Inc.</i> , No. IPR2020-01267, Paper 15 (Jan. 21, 2021).....	88
<i>Google LLC v. Uniloc 2017 LLC</i> , No. IPR2020-00441, Paper 13 (July 17, 2020)	87
<i>Motorola Mobility LLC v. Ironworks Patents, LLC</i> , No. IPR2021-00420, Paper 11 (July 22, 2021)	88
<i>Nokia of America Corp. v. IPCom, GmbH & Co. KG</i> , No. IPR2021-00533, Paper 10 (Aug. 12, 2021)	88
<i>Ohio Willow Wood Co. v. Alps South, LLC</i> , 735 F.3d 1333 (Fed. Cir. 2013)	69
<i>Sotera Wireless, Inc. v. Masimo Corp.</i> , No. IPR2020-01019, Paper 12 (P.T.A.B. Dec. 1, 2020)	89
<i>Tokai Corp. v. Easton Enterprises, Inc.</i> , 632 F.3d 1358 (Fed. Cir. 2011)	69
<i>Woods v. DeAngelo Marine Exhaust, Inc.</i> , 692 F.3d 1272 (Fed. Cir. 2012)	27
Docketed Cases	
<i>TMT Systems, Inc. v. Medtronic, Inc. & Medtronic USA, Inc.</i> , No. 6:20-cv-00973-ADA (W.D. Tex.)	3

Statutes

35 U.S.C.

§102.....	6
§102(a).....	5, 6
§102(b).....	5, 6
§102(e).....	5, 6
§102(g).....	89
§103.....	6
§312(a)(2).....	3

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.