

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

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ENDOHEART AG )

*Plaintiff,* )

v. )

EDWARDS LIFESCIENCES )  
CORPORATION, )

*Defendant.* )

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C.A. No. 14-1473 (LPS)(CJB)

**ENDOHEART AG'S RESPONSIVE CLAIM CONSTRUCTION BRIEF**

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## I. INTRODUCTION

Plaintiff Endoheart AG (“Endoheart”) submits this Responsive Claim Construction Brief in accordance with the March 27, 2015 Scheduling Order (D.I. 19). Endoheart’s opening brief demonstrates that its proposed claim constructions are fully supported by the proper legal analysis and by the intrinsic record. They should therefore be adopted.

In contrast, for the reasons set forth below, Defendant Edwards Lifesciences Corporation’s (“Edwards”) proposed constructions should be rejected because they impermissibly add limitations to the claims, while ignoring and mischaracterizing the intrinsic evidence.

## II. ENDOHEART’S PROPOSED CONSTRUCTIONS SHOULD BE ADOPTED

### 1. “Elongated wire configured” and “Elongated wire having a length along which the wire is configured”

The parties have proposed that the phrase “elongated wire configured,” which appears in claim 1 of the ‘530 patent, should be construed as follows:

<b>Endoheart Proposed Construction</b>	<b>Edwards Proposed Construction</b>
a long and thin guidewire having a property or structure for achieving something	a guidewire having its entire length configured

The parties have proposed that the phrase “elongated wire having a length along which the wire is configured,” which appears in claim 6, be construed as follows:

<b>Endoheart Proposed Construction</b>	<b>Edwards Proposed Construction</b>
a long and thin guidewire having a length along which the guidewire has a property or structure for achieving something	a guidewire having a portion of its length configured

The basic dispute between the parties is that Edwards improperly attempts to read limitations into the claims to require that the entire length of the guidewire be configured to

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