

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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EDWARDS LIFESCIENCES CORPORATION  
Petitioner,

v.

BOSTON SCIENTIFIC SCIMED, INC.,  
Patent Owner.

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Case IPR2017-01295  
Patent 8,709,062 B2

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Before JAMES A. TARTAL, ROBERT L. KINDER,  
and AMANDA F. WIEKER, *Administrative Patent Judges*.

WIEKER, *Administrative Patent Judge*.

DECISION  
Institution of *Inter Partes* Review  
*37 C.F.R. § 42.108*

## I. INTRODUCTION

### A. Background

Edwards Lifesciences Corporation (“Petitioner”) filed a Petition requesting an *inter partes* review of claims 1–26 (“the challenged claims”) of U.S. Patent No. 8,709,062 B2 (Ex. 1001, “the ’062 patent”). Paper 2 (“Pet”). Boston Scientific Scimed, Inc. (“Patent Owner”) filed a Preliminary Response. Paper 8 (“Prelim. Resp.”).

We have jurisdiction under 35 U.S.C. § 314(a), which provides that an *inter partes* review may not be instituted unless the information presented in the Petition shows that “there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” *See also* 37 C.F.R. § 42.4(a) (“The Board institutes the trial on behalf of the Director.”). Taking into account the arguments presented in the Preliminary Response, we conclude that the information presented in the Petition establishes a reasonable likelihood that Petitioner would prevail with respect to challenged claims 1–7, 9–15, 17–21, and 23–26, but not with respect to challenged claims 8, 16, and 22.

### B. Related Proceeding

The parties represent that the ’062 patent is at issue in *Boston Scientific Corp. & Boston Scientific SciMed Inc. v. Edwards Lifesciences Corp.*, No. 16-cv-730 (C.D. Cal.). Pet. 101; Paper 4, 2.

### C. The ’062 Patent

The ’062 patent, titled “Stent Delivery System Having Stent Securement Apparatus,” issued April 29, 2014, from U.S. Patent Application

No. 13/619,231, which was filed September 14, 2012. Ex. 1001, (45), (54), (21), (22).

Figure 1 of the '062 patent is reproduced below.

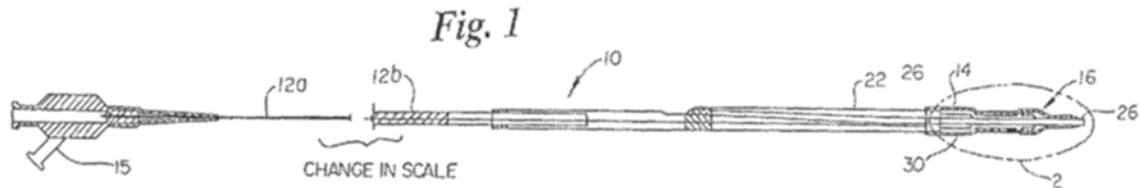


Figure 1 depicts an isometric view of a balloon catheter. Ex. 1001, 5:53–65. As shown in Figure 1, catheter 12 includes balloon 14 at distal end 16, to which stent 18 is fixed. *Id.* at 8:15–18, 26–27 (stent not shown in Figure 1). In use, catheter 12 is advanced through a patient's vasculature to a desired location and, once reached, balloon 14 and stent 18 are expanded. *Id.* at 8:49–55. After expansion, the balloon is deflated and the catheter and balloon are withdrawn, while the stent remains in place to maintain the vessel in an expanded state. *Id.* at 8:55–57.

Figure 4 of the '062 patent is reproduced below.

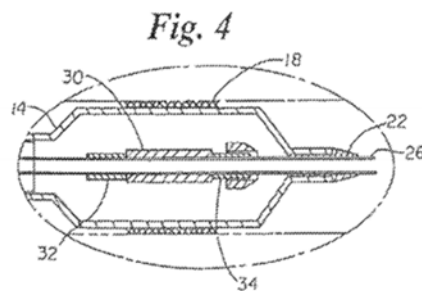


Figure 4 depicts an enlarged cross-sectional view of the distal end of catheter 12, with balloon 14 and stent 18 in expanded states. *Id.* at 6:3–6. As shown in Figure 4, “mounting body 30 . . . is included inside balloon 14 to provide a cushion and/or substrate of enlarged diameter relative to the stent to support and hold the stent and secure it during crimping and the

delivery procedure.” *Id.* at 9:28–32. In Figure 4, mounting body 30 is a cylindrical sleeve carried on inner lumen 26 of the catheter. *Id.* at 9:35–37. However, the ’062 patent also discloses alternate mounting bodies including, for example, a spiral cut mounting body (*id.* at Fig. 5), a cylindrical body comprising separate, adjacent rings 30a (*id.* at Fig. 6), a two-piece interlocked body 30a, 30b (*id.* at Fig. 7), a body comprising a plurality of separate, spaced bodies 30a, 30b, 30c (*id.* at Fig. 9), a rigid coil mounting body (*id.* at Fig. 10), or an enlargeable and collapsible mounting body (*id.* at Figs. 11–12, 17–21). *See id.* at 9:66–11:17.

#### *D. Illustrative Claim*

Challenged claims 1, 13, 21, and 26 are independent. Claim 1 is illustrative, and is reproduced below:

1. A medical device, comprising:
  - an elongate shaft including a first tubular member and a second tubular member;
  - a balloon coupled to the shaft;
  - a first member coupled to the first tubular member and positioned within the balloon, the first member including a distal stop with a tapered distal portion;
  - wherein the distal stop includes a proximal end face extending substantially perpendicular to a longitudinal axis of the elongate shaft;
  - a second member coupled to the first tubular member and positioned within the balloon, the second member having a distal end disposed proximal of the distal stop; and
  - a medical implant coupled to the shaft and positioned adjacent to the balloon.

Ex. 1001, 25:30–44.

*E. Applied References*

Petitioner relies upon the following references, and the Declaration of Thomas Trotta (“Trotta Declaration,” Ex. 1003). Pet. 20–21, 46, 78.

<b>Reference</b>	<b>Patent No.</b>	<b>Relevant Dates</b>	<b>Exhibit No.</b>
Sugiyama	US 4,994,032	Filed Nov. 29, 1988 Issued Feb. 19, 1991	Ex. 1009
Fischell '507	US 4,768,507	Filed Aug. 31, 1987 Issued Sept. 6, 1988	Ex. 1010
Fischell '274	US 5,639,274	Filed June 2, 1995 Issued June 17, 1997	Ex. 1013
Burton	US 5,026,377	Filed Aug. 17, 1990 Issued June 25, 1991	Ex. 1014
Jendersee	US 5,836,965	Filed June 7, 1995 Issued Nov. 17, 1998	Ex. 1016
Rupp	US 5,653,691	Filed Apr. 25, 1996 Issued Aug. 5, 1997	Ex. 1023

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