

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EDWARDS LIFESCIENCES CORP.,

Petitioner,

v.

BOSTON SCIENTIFIC SCIMED, INC.,

Patent Owner.

Case IPR2017-01297

Patent 6,712,827

PATENT OWNER'S PRELIMINARY RESPONSE

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PATENT OWNER'S LIST OF EXHIBITS

| Exhibit No. | Description |
|--------------------|---|
| 2001 | Handbook of Coronary Stents, 2000 Ed. |
| 2002 | Patent Owner's June 2, 2017 Supplemental Responses To Petitioner's Interrogatory Nos. 8, 10, 14 |
| 2003 | April 21, 2017 Joint Claim Construction Statement Submitted by Patent Owner and Petitioner |
| 2004 | U.S. Patent No. 5,415,635 |

I. STATEMENT OF RELIEF REQUESTED

On April 19, 2017, Edwards Lifesciences Corporation (“Petitioner”) submitted a Petition for *Inter Partes* Review (the “Petition” or “Pet.”) challenging claims 1–3 and 5–20 of U.S. Patent No. 6,712,827 (“the ’827 Patent”). Pursuant to 37 C.F.R. § 42.107(a), Boston Scientific Scimed, Inc. (“Patent Owner”) submits this Preliminary Response requesting that the Board deny the Petition because Petitioner has not demonstrated a reasonable likelihood of unpatentability of any challenged claim.

II. INTRODUCTION

The salient feature of the invention at issue relates to the structure, material, and function of a distinct mechanical component—an “intermediate layer” under a balloon—to prevent a stent from slipping off a stent delivery system during the delivery of the stent to a treatment site. Yet, Petitioner’s primary obviousness reference (“Olympus”) is directed to the protection of sharp edges of a stent—which has nothing to do with the stent securement issue of the claimed invention. Indeed, the feature Petitioner calls an “intermediate layer” in Olympus appears only in the figures of Olympus. There is *not a single word* in the entire disclosure of Olympus that discusses this alleged “intermediate layer”—not a single word on its structure, material, or function. Despite this near-zero disclosure on the alleged “intermediate layer” in Olympus, Petitioner wants to convince this Board that a

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