

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CORPAK MEDSYSTEMS, INC. and HALYARD HEALTH, INC.,
Petitioners

v.

KIRN MEDICAL DESIGN, L.L.C. and APPLIED MEDICAL TECHNOLOGY,
INC.,
Patent Owner
U.S. Patent No. 6,631,715 to Kirn

Inter Partes Review No.: IPR2017-01990

Petition for *Inter Partes* Review of U.S. Patent No. 6,631,715 Under
35 U.S.C. §§ 311-319 and 37 C.F.R. § 42

DECLARATION OF TERRY LAYTON, PH.D

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EXHIBITS

- EXHIBIT 1001 U.S. Patent No. 6,631,715
- EXHIBIT 1002 U.S. Patent No. 5,185,005 (“Ballantyne”)
- EXHIBIT 1003 “A New Nasal Bridle for Securing Nasoentereal Feeding Tubes” by Jeffrey A. Meer
- EXHIBIT 1004 Declaration of Dr. Terry Layton
- EXHIBIT 1005 “Securing of intermediate duration feeding tubes” by W. Frederick McGuirt
- EXHIBIT 1006 “The Bridle: Increasing the Use of Nasoenteric Feedings” by Albert Barrocas
- EXHIBIT 1007 U.S. Patent No. 5,752,511 (“Simmons”)
- EXHIBIT 1008 U.S. Patent No. 5,097,827 (“Izumi”)
- EXHIBIT 1009 Patent Owner’s Initial Infringement Contentions
- EXHIBIT 1010 “Feeding Tube Anchor” by Albert Levenson
- EXHIBIT 1011 PCT International Application Publication No. WO 99/20334 (“Bierman”)
- EXHIBIT 1013 IPR2017-00646, Paper 9 (Decision) (P.T.A.B. July 26, 2017)
- EXHIBIT 1015 IPR2017-00646, Paper 7 (Preliminary Response) (P.T.A.B. April 28, 2017)

I, Terry N. Layton, Ph.D., do hereby declare and say as follows:

I have been asked to provide testimony as to what one of ordinary skill in the art would have understood with respect to the patent at issue and various prior art reference(s). I provide this testimony below.

I. OVERVIEW OF MY ENGAGEMENT

1. Counsel for Petitioners has requested that I provide declaratory evidence, in the form of analysis and opinions, in the above-captioned *Inter Partes* Review proceeding (“IPR”). I understand that this IPR involves U.S. Patent No. 6,631,715. I refer to this patent as either the “’715 patent” or as “EX1001” in this declaration.

2. For this IPR, I have been asked to provide analysis and expert opinions on whether Claim 18 of the ’715 patent, under the claim construction standards that apply during *Inter Partes* Review proceedings, is invalid under 35 U.S.C. § 103 as having been obvious over specific references in the prior art from the standpoint of one of ordinary skill in the art (“POSA”) as defined below as of the relevant priority date.¹

3. Further, I have personal knowledge of the facts contained in this Declaration, am of legal age, and am otherwise competent to testify.

4. For my work as an expert in the IPR engagement, I am being

¹ The relevant priority date is discussed below.

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