

Chart of Petitioner’s Reliance on Pleadings from Parallel Litigation for Claim Construction

Citation	Quotation from Petition or Supporting Declaration
Paper 1 (“Pet.”) at 22	In Parallel Litigation, PO asserts that a magnetic element sealed within a rotor is “ <i>rigidly coupled</i> .” Ex.1019, 6–7.
Pet. at 26	In Parallel Litigation, PO asserts that a magnetic element sealed within a rotor is “ <i>at a position axially adjacent to the magnetically driven rotor</i> .” Ex.1019, 5–7. Assuming that interpretation...
Pet. at 28	In Parallel Litigation, PO asserts that a “motor and/or stator” is “ <i>a second magnetic device</i> .” Ex.1019, 8 (cleaned up). Assuming that interpretation...
Pet. at 29	In Parallel Litigation, PO alleges that a “stator” satisfies this limitation. Ex.1019, 12. Assuming that interpretation...
Pet. at 45	In Parallel Litigation, PO asserts that a magnetic element sealed within a rotor is “ <i>is positioned between the second magnetic device and the magnetically driven rotor</i> .” Ex.1019, 5–7. Assuming that interpretation...
Pet. at 49	In Parallel Litigation, PO asserts that a pump device with an inflow cannula <i>is a catheter device</i> . Ex.1019, 4. Assuming that interpretation...
Pet. at 60	In Parallel Litigation, PO asserts that a similar arrangement of an impeller and magnetic elements satisfies this limitation. Ex.1019, 5–7. Accordingly...

Citation	Quotation from Petition or Supporting Declaration
Pet. at 64–65	In Parallel Litigation, PO alleges that the “stator” design of Abbott’s HeartMate 3 LVAD pump satisfies this limitation. Ex.1019, 12. Assuming that interpretation...
Pet. at 70	In Parallel Litigation, PO asserts that a magnetic bearing (i.e., “MagLev”) satisfies this limitation. Ex.1019, 12–13. Assuming that interpretation...
Pet. at 77	In Parallel Litigation, PO asserts that a fixed speed or lower speed limit (<i>e.g.</i> output as measured in liters of blood per minute) are “ <i>measurement values indicative of cardiac output of the heart.</i> ” Ex.1019, 29. Assuming that interpretation ...
Pet. at 80	In Parallel Litigation, PO asserts that a pump device with an inflow cannula <i>is a catheter device</i> . Assuming that interpretation ...
Pet. at 104	In Parallel Litigation, PO asserts that a magnetic bearing (i.e., “MagLev”) satisfies this limitation. Ex.1019, 12–13. Assuming that interpretation ...
Pet. at 112	In Parallel Litigation, PO asserts that a fixed speed or lower speed limit are “ <i>measurement values indicative of cardiac output of the heart.</i> ” Assuming that interpretation...
Pet. at 115	In Parallel Litigation, PO asserts that a pump device with an inflow cannula <i>is a catheter device</i> . Assuming that interpretation...
Pet. at 147	In Parallel Litigation, PO asserts that a pump device with an inflow cannula “ <i>is a catheter device.</i> ” Assuming that interpretation...

Citation	Quotation from Petition or Supporting Declaration
Ex. 1003 (“Crosby”) at 90–91 (¶ 153)	I have been informed that in parallel litigation, the Patent Owner has asserted a theory of infringement that assumes “delivering a heart assist pump device to the heart” includes “implant[ing]...a suction end of an inflow tube...inserted into a left ventricle of a patient’s heart and a magnetically drive rotor...position outside the ventricle.” <i>See</i> Ex.1019, at pp. 4 (Complaint, Ex. 7). For the purposes of my analysis, I adopt that construction of “delivering a heart assist pump device to the heart.”
Crosby at 95 (¶ 160)	I have been informed that in parallel litigation, the Patent Owner has asserted a theory of infringement that maps the impeller portion of the “rotor” of the “HeartMate 3” to the “magnetically driven rotor” element recited in Claim 1. Ex.1019, at pp. 4 (Complaint, Ex. 7). For the purposes of my analysis, I map the limitation of a “magnetically driven rotor” to the “impeller 74” of the embodiment of the rotor 17 described in Figure 11 of Wampler-169 in the same way.
Crosby at 120-121 (¶ 212)	for the purposes of my analysis in this Ground, I assume that the Patent Owner’s apparent broader construction (in parallel litigation) of “magneto coupling” to also include not only a transfer of torque from one rotating magnetic component to another rotating magnetic component, but also to include “a transfer of torque from one <i>stationary</i> magnetic component (i.e., a stator) to another rotating magnetic component using an <i>electromagnetic field</i> ,” is correct. <i>See</i> Ex.1019.
Crosby at 130 (¶ 228)	I note that in parallel litigation, the Patent Owner has asserted that the blood outflow port of the “HeartMate 3” is “radially adjacent” to a magnetically driven rotor in the same way as described above in Wampler-169. <i>See</i> Ex.1019, at pp. 10–11 (Complaint, Ex. 7). For the purposes of my analysis, I also map the limitation that the blood outflow port (e.g., “discharge tube 16”) is “radially Adjacent” to the magnetically driven rotor (e.g., the “impeller 74”) in the same way.

Citation	Quotation from Petition or Supporting Declaration
Crosby at 151–152 (¶ 279)	I have been informed that in parallel litigation, the Patent Owner has asserted a theory of infringement that the Heartmate 3 external control unit is configured to control the operation of the second magnetic device using a measurement value that is indicative of cardiac output, such as what Abbott calls a “fixed speed” or “lower speed limit” which is indicative of cardiac output (e.g. output as measured in liters of blood per minute. <i>See, e.g.</i> , Ex.1019, (Complaint, Ex. 7). For the purposes of my analysis, I adopt that construction of “measurement values indicative of cardiac output.”
Crosby at 160 (¶ 304)	I have been informed that in parallel litigation, the Patent Owner has asserted a theory of infringement that the Heartmate 3 heart assist pump device is a catheter device because it includes a catheter, which Abbott calls an Inflow Cannula. <i>See, e.g.</i> , Ex.1019 (Complaint, Ex. 7). For the purposes of my analysis, I adopt that construction of “catheter device.”
Crosby at 163 (¶ 312)	I have been informed that in parallel litigation, the Patent Owner has asserted a theory of infringement that assumes “delivering a heart assist pump device to the heart” includes “implant[ing]...a suction end of an inflow tube...inserted into a left ventricle of a patient’s heart and a magnetically drive rotor...position outside the ventricle.” <i>See</i> Ex.1019, at pp. 4 (Complaint, Ex. 7). For the purposes of my analysis, I adopt that construction of “delivering a heart assist pump device to the heart.”
Crosby at 167–168 (¶ 319)	I have been informed that in parallel litigation, the Patent Owner has asserted a theory of infringement that maps the impeller portion of the “rotor” of the “HeartMate 3” to the “magnetically driven rotor” element recited in Claim 1. Ex.1019, at pp. 4 (Complaint, Ex. 7). For the purposes of my analysis, I map the limitation of a “magnetically driven rotor” to the “impeller” portion of the rotor described in Bourque-2001 in the same way.

Citation	Quotation from Petition or Supporting Declaration
Crosby at 190-191 (¶ 366)	[F]or the purposes of my analysis in this Ground, I assume that the Patent Owner’s apparent broader construction (in parallel litigation) of “magneto coupling” to also include not only a transfer of torque from one rotating magnetic component to another rotating magnetic component, but also to include “a transfer of torque from one stationary magnetic component (i.e., a stator) to another rotating magnetic component using an electromagnetic field,” is correct. <i>See</i> Ex.1019.
Crosby at 198 (¶ 380)	I note that in parallel litigation, the Patent Owner has asserted that the blood outflow port of the “HeartMate 3” is “radially adjacent” to a magnetically driven rotor in the same way as described above in Bourque-2001. <i>See</i> Ex.1019, at pp. 10–11 (Complaint, Ex. 7). For the purposes of my analysis, I also map the limitation that the blood outflow port (e.g., “outflow channel”) is “radially adjacent” to the magnetically driven rotor (e.g., the “impeller” of the rotor) in the same way.
Crosby at 201-202 (¶ 385)	[F]or the purposes of my analysis in this Ground, I assume that the Patent Owner’s apparent broader construction (in parallel litigation) of “the magnetically driven rotor remains entirely spaced apart from the surrounding rotor housing by the blood flowing from the inflow tube and to the blood outflow port” to include not only hydrodynamic suspension of the rotor but also that it may be met by exclusively magnetic suspension, is correct. <i>See</i> Ex.1019.
Crosby at 219 (¶ 428)	I have been informed that in parallel litigation, the Patent Owner has asserted a theory of infringement that the Heartmate 3 external control unit is configured to control the operation of the second magnetic device using a measurement value that is indicative of cardiac output, such as what Abbott calls a “fixed speed” or “lower speed limit” which is indicative of cardiac output (e.g. output as measured in liters of blood per minute). <i>See, e.g.,</i> Ex.1019, Complaint, Ex. 7. For the purposes of my analysis, I adopt that construction of “measurement values indicative of cardiac output.”

Citation	Quotation from Petition or Supporting Declaration
Crosby at 229 (¶ 455)	I have been informed that in parallel litigation, the Patent Owner has asserted a theory of infringement that the Heartmate 3 heart assist pump device is a catheter device because it includes a catheter, which Abbott calls an Inflow Cannula. <i>See, e.g.</i> , Ex.1019 (Complaint, Ex. 7). For the purposes of my analysis, I adopt that construction of “catheter device.”
Crosby at 249 (¶ 483)	I have been informed that in parallel litigation, the Patent Owner has asserted a theory of infringement that assumes “delivering a heartassist pump device to the heart” includes “implant[ing]...a suction end of an inflow tube...inserted into a left ventricle of a patient’s heart and a magnetically driven rotor...position outside the ventricle.” <i>See</i> Ex. 1019, at pp. 4 (Complaint, Ex. 7). For the purposes of my analysis, I adopt that construction of “delivering a heart assist pump device to the heart.”
Crosby at 253–254 (¶ 490)	I have been informed that in parallel litigation, the Patent Owner has asserted a theory of infringement that maps the impeller portion of the “rotor” of the “HeartMate 3” to the “magnetically driven rotor” element recited in Claim 1. <i>See</i> Ex.1019, at pp. 4 (Complaint, Ex. 7). For the purposes of my analysis, I map the limitation of a “magnetically driven rotor” to the “impeller” described in Akamatsu-1999 in the same way.
Crosby at 281 (¶ 552)	I note that in parallel litigation, the Patent Owner has asserted that the blood outflow port of the “HeartMate 3” is “radially adjacent” to a magnetically driven rotor in the same way as described above in Akamatsu-1999. <i>See</i> Ex.1019, at pp. 10–11 (Complaint, Ex. 7). For the purposes of my analysis, I also map the limitation that the blood outflow port (e.g., “outflow conduit”) is “radially adjacent” to the magnetically driven rotor (e.g., the “impeller”) in the same way.

Citation	Quotation from Petition or Supporting Declaration
Crosby at 287 (¶ 561)	[F]or the purposes of my analysis in this Ground, I assume that the Patent Owner’s apparent broader construction (in parallel litigation) of “the magnetically driven rotor remains entirely spaced apart from the surrounding rotor housing by the blood flowing from the inflow tube and to the blood outflow port” to include not only hydrodynamic suspension of the rotor but also that it may be met by exclusively magnetic suspension, is correct. <i>See</i> Ex.1019.
Crosby at 304–305 (¶ 601)	I have been informed that in parallel litigation, the Patent Owner has asserted a theory of infringement that the Heartmate 3 external control unit is configured to control the operation of the second magnetic device using a measurement value that is indicative of cardiac output, such as what Abbott calls a “fixed speed” or “lower speed limit” which is indicative of cardiac output (e.g. output as measured in liters of blood per minute). <i>See, e.g.</i> , Ex.1019 (Complaint, Ex. 7). For the purposes of my analysis, I adopt that construction of “measurement values indicative of cardiac output.”
Crosby at 312 (¶ 625)	I have been informed that in parallel litigation, the Patent Owner has asserted a theory of infringement that the Heartmate 3 heart assist pump device is a catheter device because it includes a catheter, which Abbott calls an Inflow Cannula. <i>See, e.g.</i> , Ex.1019, Complaint, Ex. 7. For the purposes of my analysis, I adopt that construction of “catheter device.”
Crosby at 314 (¶ 633)	I have been informed that in parallel litigation, the Patent Owner has asserted a theory of infringement that assumes “delivering a heart assist pump device to the heart” includes “implant[ing]...a suction end of an inflow tube...inserted into a left ventricle of a patient’s heart and a magnetically driven rotor...position outside the ventricle.” <i>See</i> Ex.1019, at pp. 4 (Complaint, Ex. 7). For the purposes of my analysis, I adopt that construction of “delivering a heart assist pump device to the heart.”

Citation	Quotation from Petition or Supporting Declaration
Crosby at 349–350 (¶ 709)	I note that in parallel litigation, the Patent Owner has asserted that the blood outflow port of the “HeartMate 3” is “ <i>radially adjacent</i> ” to a magnetically driven rotor in the same way as described above in Schima. <i>See</i> Ex.1019, at pp. 10–11 (Complaint, Ex. 7). For the purposes of my analysis, I also map the limitation that the blood outflow port (e.g., “outlet 14”) is “ <i>radially adjacent</i> ” to the magnetically driven rotor (e.g., the “rotor 1”) in the same way.
Crosby at 371 (¶ 751)	In parallel litigation, however, I have been informed the Patent Owner has asserted a theory of infringement that the Heartmate 3 external control unit is configured to control the operation of the second magnetic device using a measurement value that is indicative of cardiac output, such as what Abbott calls a fixed speed or lower speed limit which is indicative of cardiac output (e.g. output as measured in liters of blood per minute). <i>See, e.g.,</i> Ex.1019 (Complaint, Ex. 7). For the purposes of my analysis, I adopt that construction of “ <i>measurement values indicative of cardiac output.</i> ”
Crosby at 379–380 (¶ 776)	I have been informed that in parallel litigation, the Patent Owner has asserted a theory of infringement that the Heartmate 3 heart assist pump device is a catheter device because it includes a catheter, which Abbott calls an Inflow Cannula. <i>See, e.g.,</i> Ex.1019 (Complaint, Ex. 7). For the purposes of my analysis, I adopt that construction of “catheter device.”