UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ABBOTT LABORATORIES,

Petitioner,

v.

MIRACOR MEDICAL SA,

Patent Owner.

IPR2025-00096

U.S. Patent No. 11,351,356

PETITIONER'S MOTION FOR PRO HAC VICE ADMISSION OF KEVIN J. BOYLE UNDER 37 C.F.R. § 42.10

EXHIBIT LIST

No.	Exhibit Description
1001	U.S. Patent No. 11,351,356
1002	U.S. Patent No. 11,351,356 File History
1003	Declaration of Peter Crosby
1004	CV of Peter Crosby
1005	U.S. Pat. Pub. No. US 2003/0124007A1 to Heinrich Schima, et al., titled "*Rotary Pump Comprising a Hydraulically Mounted Motor*"
1006	Akamatsu et al., *Development of Terumo implantable left ventricular assist system (T-ILVAS) with a magnetically suspended centrifugal pump*, J Artif Organs 1999, Vol. 2, pp. 3-7
1007	Bourque et al., *HeartMate III: Pump Design for a Centrifugal LVAD with a Magnetically Levitated Rotor*, ASAIO Journal 2001
1008	U.S. Pat. Pub. No. US 2002/0102169A1 to Richard Wampler, et al., titled "*Sealless rotary blood pump*"
1009	Miracor's Supplemental Initial Response to Invalidity Contentions, dated September 20, 2024
1010	Frazier et al. *Total Heart Replacement with Dual Centrifugal Ventricual Assist Devices*, ASAIO Journal 2005
1011	Schob, *Centrifugal pump without bearings or seals*, World Pumps Vol. 2002, No. 430, pp. 34-37
1012	Rose et al., *Randomized Evaluation of Mechanical Assistance for the Treatment of Congestive Heart Failure (REMATCH) Study Group. Long-term use of a left ventricular assist device for end-stage heart failure*, N Engl J Med. 2001 Nov 15, Vol. 345, No. 20, pp. 1435-43
1013	HeartMate® II LVAS: Patient Management Guidelines, December 14, 2006
1014	Schulman et al., *Comparisons of infection complications between continuous flow and pulsatile flow left ventricular assist devices*, The Journal of Thoracic and Cardiovascular Surgery 2007, Vol. 133, No. 3, pp. 841-842

1015	LaRose et al., *Heartware – A novel miniaturized passive maglev centrifugal VAD*, ASAIO Journal 2004 Mar, Vol. 50, No. 2, p. 137
1016	Qian et al., *Permanent magnetic-levitation of rotating impeller: a decisive breakthrough in the centrifugal pump*, Journal of Medical Engineering & Technology 2002 Jan/Feb, Vol. 26, No. 1, pp. 36-38
1017	Akamatsu et al., *Chronic Animal Experiment with Magnetically Suspended Centrifugal Pump*, Artificial Organs 1997, Vol. 21, No. 7, pp. 645-638
1018	U.S. Patent No. 6,050,975
1019	Exhibit 7 of Complaint, dated November 27, 2023
1020	Bottone et al., *Magnetos for automobilists, how made and how used*, Crosby Lockwood and Son, Ch. 1 (1907) (accessed at https://archive.org/details/ magnetosforauto00bottgoog/page /n6/mode/2up)
1021	"Ignition magneto," accessed via https://en.wikipedia.org/wiki/Ignition_magneto (last accessed October 28, 2024)
1022	Masuzawa et al. *Magnetically Suspended Centrifugal Blood Pump with an Axially Levitated Motor*, Artificial Organs 2003, Vol. 27, No. 7, pp. 631-638
1023	U.S. Patent No. 6,152,704
1024	U.S. Patent No. 6,589,030
1025	European Patent No. 0 834 326
1026	Miracor's Response to Exhibit A-1 (Bourque-2001) of Supplemental Invalidity Contentions, dated September 20, 2024
1027	U.S. Patent No. 5,324,177
1028	Allaire, et al., *Prototype Continuous Flow Ventricular Assist Device*, J. Artificial Organs 1996, Vol. 20, No. 7, pp.582-690
1029	Kung and Hart, *Design Considerations for Bearingless Rotary Pumps*, J. Artificial Organs 1997, Vol. 21, No. 7, pp. 645-650
1030	Declaration of Sylvia Hall-Ellis

1031	Order to Temporarily Stay Case Deadlines, Case No. 1:23-cv-16257, Dkt. 125 (February 13, 2025)
1032	Declaration of Saranya Raghavan In Support Of Motion for Pro Hac Vice
1033	Leschinsky, et al., The CorInnova Implantable Cardiac Assist System for Direct Cardiac Compression, Rev. Cardiovasc. Med. 2022; 23(6): 211
1034	Abiomed, Inc., v. WhiteSwell Medical Ltd., PGR2021-00107, Ex. 2006, Declaration of Boris Leschinsky
1035	U.S. Patent No. 10,926,069
1036	Miracor's Supplemental Infringement Contentions, Ex. D - Claim Chart for U.S. Patent No. 11,572,879, dated May 28, 2024
1037	[Reserved]
1038	Duplicate of Ex. 1015, introduced during cross-examination of Dr. Gallegos
1039	Gallegos, et al., Animal Models for Cardiac Research, In: Iaizzo, P.A. (eds) Handbook of Cardiac Anatomy, Physiology, and Devices. Humana Press (2005).
1040	Transcript of Cross-Examination of Boris Leschinsky (December 10, 2025)
1041	First Declaration of Dr. Wieselthaler
1042	Second Declaration of Peter Crosby
1043	LinkedIn profile of Kevin Bourque
1044	HeartWare Announcement: First Human Implant of HeartWare's HVAD, March 2006
1045	Transcript of Cross-Examination of Dr. Robert Gallegos (December 15, 2025)
1046	Hoshi, et al., "Third-generation Blood Pumps With Mechanical Noncontact Magnetic Bearings," Artificial Organs 30(5):324–338 (2006)
1047	CV of Dr. Georg Wieselthaler
1048	FEP Medical Policy Manual, Total Artificial Hearts and Implantable Ventricular Assist Devices (January 2024)
1049	Wieselthaler G. My Journey with the HeartWare Ventricular Assist Device- An Obituary. The VAD Journal. 2022; 8(1):e2022813.
1050	Potapov et al., The MicroMed DeBakey VAD—Part I: The Pump and the Blood Flow, JECT. 2003;35:274–283

1051	[Reserved]
1052	Declaration of Kevin Boyle In Support Of Pro Hac Vice

Pursuant to 37 C.F.R. § 42.10 and the authorization provided by the United States Patent and Trademark Office's Patent Trial and Appeal Board ("Board") in Paper Number 6, dated November 20, 2024 ("the Notice"), Abbott Laboratories, ("Petitioner"), submits this motion for Kevin J. Boyle to appear *pro hac vice*. Petitioner respectfully requests that the Board recognize Mr. Boyle as counsel *pro hac vice* during this proceeding and demonstrates good cause for doing so as shown below.

I. STATEMENT OF FACTS

A. Kevin J. Boyle

Pursuant to the Notice, the following statement of facts shows that good cause exists for the Board to recognize Mr. Boyle *pro hac vice*.

Lead counsel for Petitioner, Scott M. Border, is a registered practitioner (Reg. No. 77,744).

Mr. Boyle is a litigation attorney who has been involved in multiple patent infringement cases in federal district courts. Ex. 1052 ¶ 7. He has experience in various aspects of patent infringement matters and has participated in multiple patent cases in federal courts, including trials and claim construction hearings. *Id.*

Mr. Boyle is a member in good standing of the Bars of the State of Wisconsin and the State of Illinois. *Id.* ¶ 1.

Mr. Boyle has never been suspended or disbarred from practice, has never had any application for admission to practice denied, and has never had any sanctions or

contempt citations imposed against him. *Id*. at ¶ 2-4.

Mr. Boyle has obtained substantial familiarity with the involved patent, the prior art, and various issues raised in this proceeding. *Id*. ¶ 7. Moreover Mr. Boyle has reviewed the involved patent, the Petition, the prior art, and all other cited materials. Given his extensive patent litigation experience and his familiarity with the instant Petition, the cited materials, and the patented technology, Mr. Boyle has established familiarity with the subject matter at issue in this proceeding. *Id*.

Mr. Boyle has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules for Practice for Trials set forth in part 42 of 37 C.F.R. and he agrees to be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 et seq., and to disciplinary jurisdiction under 37 C.F.R. §11.19(a). *Id*. ¶¶ 5-6.

Given Mr. Boyle's familiarity with the subject matter at issue in this proceeding, Petitioner respectfully submits that it has shown good cause for the Board to recognize Mr. Boyle as counsel pro hac vice during this proceeding.

This Motion is accompanied by the Declaration of Mr. Boyle. Ex. 1052.

Dated: February 13, 2026

Respectfully Submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies on this February 13, 2026, a true and correct copy of the foregoing was served by email to:

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