

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, 8.
Pet. at 24	In Parallel Litigation, PO asserts that a magnetic element sealed within a rotor is “ <i>axially adjacent</i> .” Ex.1019, 8. Assuming that interpretation...
Pet. at 27	In Parallel Litigation, PO asserts that a “motor and/or stator” is “ <i>a second magnetic device</i> .” Ex.1019, 9 (cleaned up). Assuming that interpretation...
Pet. at 29	In Parallel Litigation, PO alleges that a “stator” satisfies this limitation. Ex.1019, 9. Assuming that interpretation...
Pet. at 46	In Parallel Litigation, PO asserts that a magnetic element sealed within a rotor is [sic] “ <i>is positioned between the second magnetic device and the magnetically driven rotor</i> .” Ex.1019, 8. Assuming that interpretation...
Pet. at 50	In Parallel Litigation, I understand that PO asserts that a pump device with an inflow cannula <i>is a catheter device</i> . Ex.1019, 3. Assuming that interpretation...
Pet. at 59–60	In Parallel Litigation, PO asserts that a similar arrangement of an impeller and magnetic elements satisfies this limitation. Ex.1019, 8. Accordingly...
Pet. at 63–64	In Parallel Litigation, PO alleges that the “stator” design of Abbott’s HeartMate 3 LVAD pump satisfies this limitation. Ex.1019, 9. Assuming that interpretation...

Citation	Quotation from Petition or Supporting Declaration
Pet. at 69	In Parallel Litigation, PO asserts that a magnetic bearing (i.e., “MagLev”) satisfies this limitation. Ex.1019, 5–7, 13. Assuming that interpretation...
Pet. at 102	In Parallel Litigation, PO asserts that a magnetic bearing (i.e., “MagLev”) satisfies this limitation. Ex.1019, 5–7, 12–13. Assuming that interpretation ...
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.10). For the purposes of my analysis, I adopt that construction of “deliverable to the heart.”
Crosby at 115 (¶ 203)	[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 <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 126 (¶ 219)	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. 8 (Complaint, Ex.10). 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 159 (¶ 299)	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.10). For the purposes of my analysis, I adopt that construction of “catheter device.”
Crosby at 162 (¶ 307)	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.10). For the purposes of my analysis, I adopt that construction of “delivering a heart assist pump device to the heart.”
Crosby at 185–186 (¶ 353)	[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 194 (¶ 367)	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. 11–12 (Complaint, Ex.10). 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.

Citation	Quotation from Petition or Supporting Declaration
Crosby at 197–198 (¶ 372)	[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 <i>exclusively</i> magnetic suspension, is correct. <i>See</i> Ex.1019.
Crosby at 227 (¶ 446)	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.10). For the purposes of my analysis, I adopt that construction of “catheter device.”
Crosby at 247 (¶ 474)	I have been informed that in parallel litigation, the Patent Owner has asserted a theory of infringement that assumes “deliverable 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.10). For the purposes of my analysis, I adopt that construction of “deliverable to the heart.”
Crosby at 251–252 (¶ 481)	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.

Citation	Quotation from Petition or Supporting Declaration
Crosby at 276–277 (¶ 534)	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. 11–12 (Complaint, Ex.10). 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.
Crosby at 282 (¶ 543)	[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 <i>exclusively</i> magnetic suspension, is correct. <i>See</i> Ex.1019.
Crosby at 308 (¶ 611)	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.10. For the purposes of my analysis, I adopt that construction of “catheter device.”
Crosby at 310–311 (¶ 619)	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.10). 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 345–346 (¶ 689)	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.10). 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 375 (¶ 756)	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.10). For the purposes of my analysis, I adopt that construction of “catheter device.”