

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MEDTRONIC, INC.
Petitioner

v.

MOSKOWITZ FAMILY LLC.
Patent Owner

Patent No. 11,376,136

**PETITION FOR *INTER PARTES* REVIEW
OF U.S. PATENT NO. 11,376,136**

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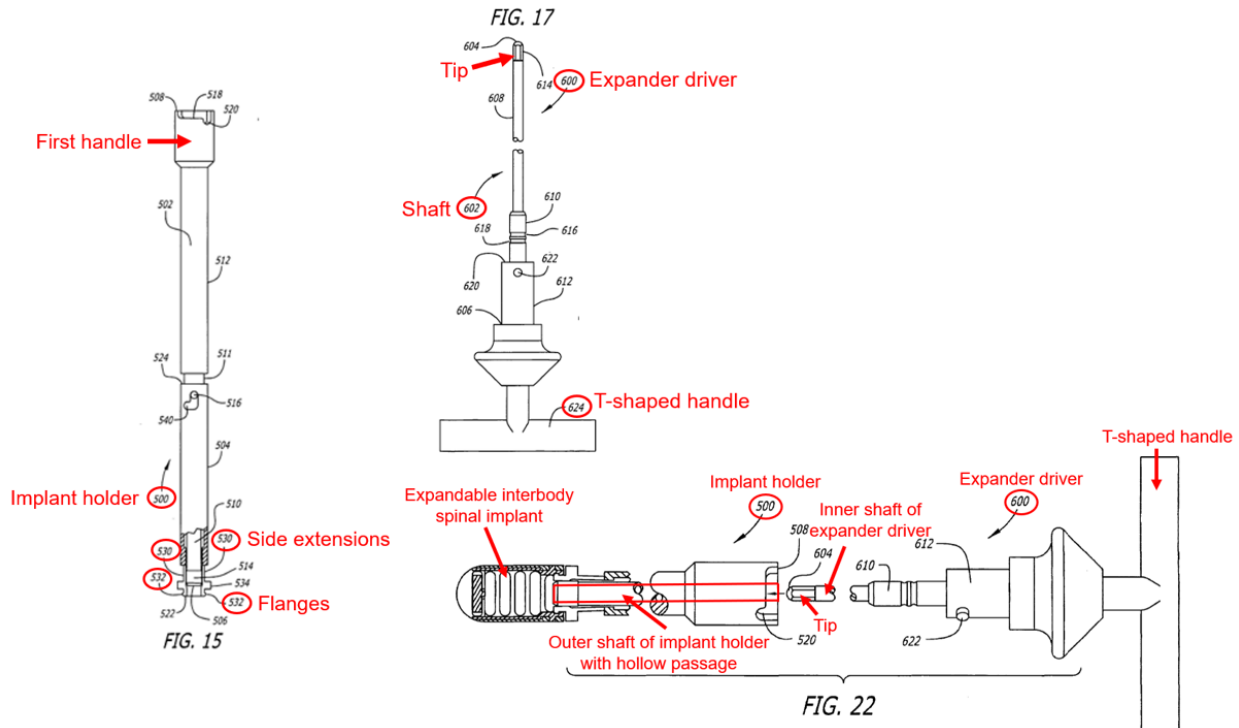
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LIST OF EXHIBITS

Exhibit No.	Document
Ex. 1001	U.S. Patent No. 11,376,136 to Moskowitz et al. (“the ’136 patent”)
Ex. 1002	Declaration of Brad Culbert
Ex. 1003	Curriculum Vitae of Brad Culbert
Ex. 1004	File History for U.S. Patent No. 11,376,136
Ex. 1005	RESERVED
Ex. 1006	U.S. Patent Application Publication No. 2008/0249569 A1 to Waugh et al. (“Waugh”)
Ex. 1007- Ex. 1011	RESERVED
Ex. 1012	U.S. Patent Application Publication No. 2006/0253201 A1 to McLuen (“McLuen”)
Ex. 1013	U.S. Patent Application Publication No. 2005/0278026 A1 to Gordon et al. (“Gordon”)
Ex. 1014	International Publication No. WO 02/062272 A2 to Michelson (“Michelson”)
Ex. 1015- Ex. 1019	RESERVED
Ex. 1020	Phulchand Prithvi Raj, <i>Intervertebral Disc: Anatomy-Physiology-Pathophysiology-Treatment</i> , 8(1) PAIN PRACT. 18 (2008)
Ex. 1021	Fabio Galbusera et al., <i>Ageing and degenerative changes of the intervertebral disc and their impact on spinal flexibility</i> , 23(3) EUR. SPINE J. 324 (2014)
Ex. 1022	Dil Patel et al., <i>Interbody options in lumbar fusion</i> , 5(1) J. SPINE SURG. S19 (2019)

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Exhibit No.	Document
Ex. 1023- Ex. 1037	RESERVED
Ex. 1037	Daniel Orr et al., <i>Expandable interbody cages for lumbar spinal fusion: a systematic review</i> , 25(8) SPINE J. 1773 (2025)
Ex. 1038- Ex. 1052	RESERVED
Ex. 1053	U.S. Patent No. 7,846,188 to Moskowitz et al. (“the ’188 patent”)



(*Id.*, Figs. 15, 17, 22 (all annotated).)

Michelson's tool assembly is thus similar to Gordon's tool assembly in that it teaches **a first tool** (implant holder 500) that securely holds an expandable spinal implant in place at a desired implant site while **a second tool** (expander driver 600) passes through the first tool and engages the implant for adjusting its height. (Ex. 1002, ¶90.) Gordon and Michelson are thus in the same field of art and a POSITA would have been motivated to consider the teachings of Michelson in modifying the Gordon tool assembly. (*Id.*)

In particular, Michelson discloses that “expander driver 600 [is] for engaging and rotating expander 120,” *i.e.*, expander driver 600 is “**a second adjusting tool.**” (Ex. 1014, 20.) As shown in figure 17 below, expander driver 600 includes proximal

second adjusting tool would not impact the reliance on McLuen's implant under Ground 2. (*Id.*) Accordingly, the McLuen-Gordon-Michelson combination renders obvious claims 9-12 and 14-17.

X. CONCLUSION

Petitioner requests institution of IPR for the challenged claims of the '136 patent.

Respectfully submitted,

Dated: December 1, 2025

By: /Naveen Modi/
Naveen Modi (Reg. No. 46,224)
Counsel for Petitioner

CERTIFICATE OF COMPLIANCE

Pursuant to 37 C.F.R. § 42.24(d), the undersigned certifies that the foregoing
Petition for *Inter Partes* Review of U.S. Patent No. 11,376,136 contains, as
measured by the word-processing system used to prepare this paper, 13,820 words.
This word count does not include the items excluded by 37 C.F.R. § 42.24 as not
counting towards the word limit.

Respectfully submitted,

Dated: December 1, 2025

By: /Naveen Modi/
Naveen Modi (Reg. No. 46,224)
Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on December 1, 2025, I caused a true and correct copy of the foregoing Petition for *Inter Partes* Review of U.S. Patent No. 11,376,136 and supporting exhibits to be served via express mail on the Patent Owner at the following correspondence address of record as listed on Patent Center:

FISH & RICHARDSON P.C. (TC)
PO BOX 1022
MINNEAPOLIS, MN
UNITED STATES

By: /Naveen Modi/
Naveen Modi (Reg. No. 46,224)