

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

**DECLARATION OF MR. BRAD CULBERT
IN SUPPORT OF PETITION FOR *INTER PARTES* REVIEW
OF U.S. PATENT NO. 11,376,136**

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I, Brad Culbert, declare as follows:

I. INTRODUCTION

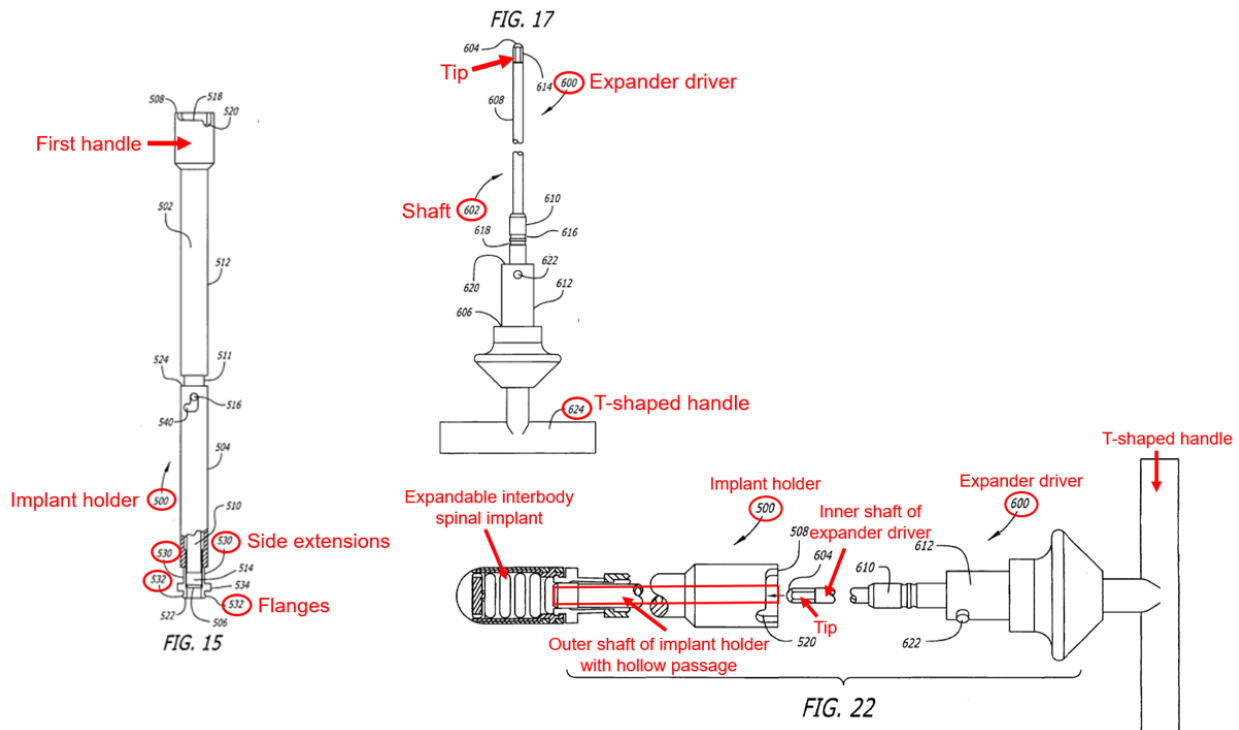
1. I have been retained as an independent expert consultant by Medtronic, Inc. (“Petitioner”) in this proceeding before the United States Patent and Trademark Office regarding U.S. Patent No. 11,376,136 (“the ’136 patent”) (Ex. 1001) assigned to Moskowitz Family LLC (“Patent Owner”).¹ I have been asked to consider whether prior art references disclose or suggest the features recited in claims 9-12, 14-18, and 20 (the “challenged claims”) of the ’136 patent. My opinions are set forth below.

2. I am being compensated at my standard rate for services provided in this matter and reimbursed for reasonable expenses, including travel. My compensation is not contingent upon my opinions, the outcome of this matter, or any of the technical positions I present in this declaration.

II. BACKGROUND AND QUALIFICATIONS

3. My qualifications are stated more fully in my curriculum vitae (“CV”), which is attached as Exhibit 1003. My CV also lists patents and publications on

¹ In this Declaration, I refer to exhibits that I understand are to be attached to the petition for *Inter Partes* Review of the ’136 patent.



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

90. 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. 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.

91. 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.**" (*Id.*, 20.) As shown in figure 17 below, expander driver 600

IX. CONCLUSION

103. I declare that all statements made herein of my knowledge are true, and that all statements made on information and belief are believed to be true, and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Dated: December 1, 2025


By: _____

Brad Culbert