UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

62644 7590 09/03/2015
Medtronic, Inc. (Spinal)
710 Medtronic Parkway
Minneapolis, MN 55432

EXAMINER
JOHANAS, JACQUELINE T

ART UNIT	PAPER NUMBER
3733	

DATE MAILED: 09/03/2015

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/440,241	04/05/2012	William F. McKay	C00003033.USU1	4328

TITLE OF INVENTION: INTERBODY BONE IMPLANT DEVICE

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	$960	$0	$0	$960	12/03/2015

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PTOL-85 (Rev. 02/11)

Moskowitz Exhibit 2011,
Medtronic v. Moskowitz IPR2026-00163 p. 1

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

62644 7590 09/03/2015
Medtronic, Inc. (Spinal)
710 Medtronic Parkway
Minneapolis, MN 55432

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/440,241	04/05/2012	William F. McKay	C00003033.USU1	4328

TITLE OF INVENTION: INTERBODY BONE IMPLANT DEVICE

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	$960	$0	$0	$960	12/03/2015

EXAMINER	ART UNIT	CLASS-SUBCLASS
JOHANAS, JACQUELINE T	3733	623-017160

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
❑ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
❑ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list
(1) The names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.
1 _____
2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ❑ Individual ❑ Corporation or other private group entity ❑ Government

4a. The following fee(s) are submitted:
❑ Issue Fee
❑ Publication Fee (No small entity discount permitted)
❑ Advance Order - # of Copies _____

4b. Payment of Fee(s): (**Please first reapply any previously paid issue fee shown above)**
❑ A check is enclosed.
❑ Payment by credit card. Form PTO-2038 is attached.
❑ The director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)
❑ Applicant certifying micro entity status. See 37 CFR 1.29 — NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.
❑ Applicant asserting small entity status. See 37 CFR 1.27 — NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.
❑ Applicant changing to regular undiscounted fee status. — NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

Moskowitz Exhibit 2011,
Medtronic v. Moskowitz IPR2026-00163 p. 2

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/440,241	04/05/2012	William F. McKay	C00003033.USU1	4328

62644 7590 09/03/2015
Medtronic, Inc. (Spinal)
710 Medtronic Parkway
Minneapolis, MN 55432

EXAMINER
JOHANAS, JACQUELINE T

ART UNIT	PAPER NUMBER
3733	

DATE MAILED: 09/03/2015

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(Applications filed on or after May 29, 2000)

The Office has discontinued providing a Patent Term Adjustment (PTA) calculation with the Notice of Allowance.

Section 1(h)(2) of the AIA Technical Corrections Act amended 35 U.S.C. 154(b)(3)(B)(i) to eliminate the requirement that the Office provide a patent term adjustment determination with the notice of allowance. See Revisions to Patent Term Adjustment, 78 Fed. Reg. 19416, 19417 (Apr. 1, 2013). Therefore, the Office is no longer providing an initial patent term adjustment determination with the notice of allowance. The Office will continue to provide a patent term adjustment determination with the Issue Notification Letter that is mailed to applicant approximately three weeks prior to the issue date of the patent, and will include the patent term adjustment on the patent. Any request for reconsideration of the patent term adjustment determination (or reinstatement of patent term adjustment) should follow the process outlined in 37 CFR 1.705.

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Examiner-Initiated Interview Summary	Application No.	Applicant(s)	
	13/440,241	MCKAY, WILLIAM F.	
	Examiner	Art Unit	
	Jacqueline Johanas	3733	

All participants (applicant, applicant's representative, PTO personnel):

(1) *Jacqueline Johanas*. (3)_____.

(2) *William Schmidt (reg. 39492)*. (4)_____.

Date of Interview: *26 August 2015*.

Type: ☒ Telephonic ☐ Video Conference
☐ Personal [copy given to: ☐ applicant ☐ applicant's representative]

Exhibit shown or demonstration conducted: ☐ Yes ☒ No.
If Yes, brief description: _____.

Issues Discussed ☐101 ☐112 ☐102 ☒103 ☐Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: *1 and 6*.

Identification of prior art discussed: *n/a*.

Substance of Interview
(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

Examiner called Applicant's representative to discuss examiner's amendment to place application in condition for allowance. Examiner explained that based on her review of the art, the claim would need to positively claim the top piece as well as specifically describe the shape of the superior surface of the bottom piece to distinguish over the art (i.e. that the ramped portion of the superior surface extends only partially along said surface). Applicant's representative authorized the examiner's amendments. See attached Examiner's amendment for more details .

Applicant recordation instructions: It is not necessary for applicant to provide a separate record of the substance of interview.

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☐ Attachment

/Jacqueline Johanas/ Examiner, Art Unit 3733	

Moskowitz Exhibit 2011,
Medtronic v. Moskowitz IPR2026-00163 p. 5

Notice of Allowability	Application No. 13/440,241	Applicant(s) MCKAY, WILLIAM F.	
	Examiner Jacqueline Johanas	Art Unit 3733	AIA (First Inventor to File) Status No

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *RCE filed 07/30/2015 and interview on 08/26/2015*.
   ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on_____.
2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.
3. ☒ The allowed claim(s) is/are *1-14 and 22*. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov .
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   Certified copies:

   a) ☐ All b) ☐ Some *c) ☐ None of the:
   1. ☐ Certified copies of the priority documents have been received.
   2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
   3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
4. ☒ Interview Summary (PTO-413), Paper No./Mail Date *20150826* .
5. ☒ Examiner's Amendment/Comment
6. ☒ Examiner's Statement of Reasons for Allowance
7. ☐ Other _____.

/Jacqueline Johanas/
Examiner, Art Unit 3733

Moskowitz Exhibit 2011,
Medtronic v. Moskowitz IPR2026-00163 p. 6

The present application is being examined under the pre-AIA first to invent provisions.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with William Schmidt (reg. 39,492) on 08/26/2015.

The application has been amended as follows:

Claim 1, line 2, "a bottom" has been replaced with -- a top piece and a bottom piece, the bottom--

Claim 1, line 3, after "and" insert -- a longitudinal axis, said bottom piece--

Claim 1, line 4, "a top" is replaced with --the top--

Claim 1, line 4, after "surfaces" insert --and a longitudinal axis--

Claim 1, line 5, after "end" insert -- face perpendicular to the longitudinal axis of the bottom piece--

Claim 1, line 6, after "portion" insert --extending at an incline relative to the longitudinal axis of the bottom piece and a non-ramped portion extending parallel to said longitudinal axis, the ramped portion extending only partially along the length of the superior surface--

Claim 1, line 6, “end” is replaced with --end face--

Claim 1, line 7, “end” is replaced with --end face--

Claim 1, line 8, “tapered” is replaced with --bullet-shaped--

Claim 1, line 15, after “valley” insert -- extending longitudinally along the superior surface--

Claim 1, line 17, after “peak” insert -- extending longitudinally along the inferior surface--

Claim 2, line 4, “the implant;” is replaced with --the implant device;--

Claim 2, line 5, “implant or” is replaced with --implant device or--

Claim 2, line 7, insert --device-- after “implant”

Claim 5, line 3, after “implant” insert --device--

Claim 6, line 2, “a bottom” has been replaced with -- a top piece and a bottom piece, the bottom--

Claim 6, line 4, after “surfaces” insert --and a longitudinal axis--

Claim 6, line 4, “a top” is replaced with --the top--

Claim 6, line 5, after “end” insert -- face perpendicular to the longitudinal axis of the bottom piece--

Claim 6, line 6, after “portion” insert --extending at an incline relative to the longitudinal axis of the bottom piece and a non-ramped portion extending parallel to said longitudinal axis, the ramped portion extending only partially along the length of the superior surface--

Claim 6, line 6, “end” is replaced with --end face--

Claim 6, line 7, “end” is replaced with --end face--

Claim 6, line 8, after “trailing end” insert --and a longitudinal axis--

Claim 6, line 9, “tapered” is replaced with --bullet-shaped--

Claim 6, line 16, after “valley” insert -- extending longitudinally along the superior surface--

Claim 6, line 18, after “peak” insert -- extending longitudinally along the inferior surface--

Claims 16, 17, 18, 19, 20 are cancelled.

Claim 22, line 1, “the device” is replaced with --the implant device--

REASONS FOR ALLOWANCE

The following is an examiner’s statement of reasons for allowance:

The claims in the instant application are allowable because no references, or reasonable combination thereof, could be found which disclose, or suggest, an expandable implant device, as set forth in Claims 1 and 6, comprising a top piece having an inferior surface such that a bullet-shaped leading end of said top piece has a lesser height than an opposite end, the implant device further comprising a bottom piece having an a superior surface with a ramped portion extending at an incline relative to the longitudinal axis of the bottom piece and a non-ramped portion extending parallel to said longitudinal axis (see figure below), the ramped portion extending only partially along the length of the superior surface such that a flat leading end face (i.e. a face or surface without slope or curvature) of the bottom piece has a greater height than an

opposite end face; the superior surface of the bottom piece having a triangular valley extending longitudinally along said superior surface and the inferior surface of the top piece having an interlocking triangular peak extending longitudinally along said inferior surface.

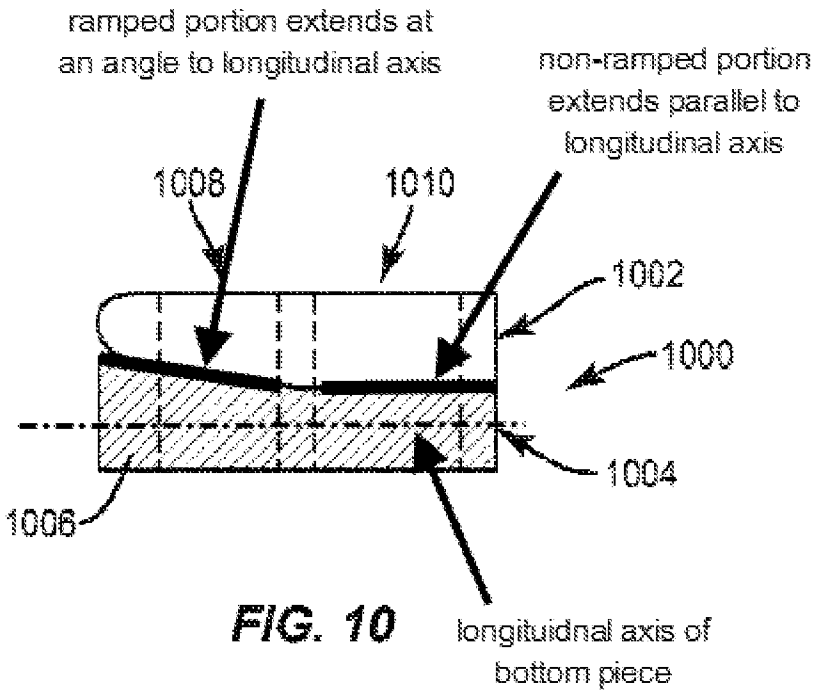

FIG. 10

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacqueline Johanas whose telephone number is

(571)270-5085. The examiner can normally be reached on Monday to Friday, 9:00am to 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eduardo Robert can be reached on 571-272-4719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jacqueline Johanas/
Examiner, Art Unit 3733

Examiner-Initiated Interview Summary	Application No.	Applicant(s)	
	13/440,241	MCKAY, WILLIAM F.	
	Examiner	Art Unit	
	Jacqueline Johanas	3733	

All participants (applicant, applicant's representative, PTO personnel):

(1) *Jacqueline Johanas*. (3)_____.

(2) *William Schmidt (reg. 39492)*. (4)_____.

Date of Interview: *26 August 2015*.

Type: ☒ Telephonic ☐ Video Conference
☐ Personal [copy given to: ☐ applicant ☐ applicant's representative]

Exhibit shown or demonstration conducted: ☐ Yes ☒ No.
If Yes, brief description: _____.

Issues Discussed ☐101 ☐112 ☐102 ☒103 ☐Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: *1 and 6*.

Identification of prior art discussed: *n/a*.

Substance of Interview
(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

Examiner called Applicant's representative to discuss examiner's amendment to place application in condition for allowance. Examiner explained that based on her review of the art, the claim would need to positively claim the top piece as well as specifically describe the shape of the superior surface of the bottom piece to distinguish over the art (i.e. that the ramped portion of the superior surface extends only partially along said surface). Applicant's representative authorized the examiner's amendments. See attached Examiner's amendment for more details .

Applicant recordation instructions: It is not necessary for applicant to provide a separate record of the substance of interview.

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☐ Attachment

/Jacqueline Johanas/ Examiner, Art Unit 3733	

Moskowitz Exhibit 2011,
Medtronic v. Moskowitz IPR2026-00163 p. 12

Notice of References Cited	Application/Control No. 13/440,241	Applicant(s)/Patent Under Reexamination MCKAY, WILLIAM F.	
	Examiner Jacqueline Johanas	Art Unit 3733	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-5,865,848 A	02-1999	Baker; Gregg S.	A61F2/4455	606/247
*	B	US-2003/0135275 A1	07-2003	Garcia, Javier	A61B17/1671	623/17.11
*	C	US-2006/0058876 A1	03-2006	McKinley; Laurence M.	A61F2/4611	623/17.11
*	D	US-2008/0033440 A1	02-2008	Moskowitz; Ahmnon D.	A61B17/0642	606/251
*	E	US-2008/0249622 A1	10-2008	Gray; Wayne P.	A61F2/4455	606/86A
*	F	US-8,900,307 B2	12-2014	Hawkins; John Riley	A61F2/4455	623/17.16
	G	US-				
	H	US-				
	I	US-				
	J	US-				
	K	US-				
	L	US-				
	M	US-				

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	CPC Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Moskowitz Exhibit 2011,
Medtronic v. Moskowitz IPR2026-00163 p. 13

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L3	30	(US-20090005870-$ or US-20050125062-$ or US-20060058880-$ or US-20090254182-$ or US-20090130173-$ or US-20080091270-$ or US-20100292739-$ or US-20120330425-$ or US-20120004729-$ or US-20070299441-$ or US-20040087969-$ or US-20140121777-$ or US-20130073046-$ or US-20130190876-$ or US-20100161056-$ or US-20100030333-$ or US-20060235519-$ or US-20060122702-$ or US-20040230308-$ or US-20090099661-$ or US-20070233272-$ or US-20070088437-$ or US-20080033440-$ or US-20080249622-$ or US-20060058876-$ or US-20030135275-$).did. or (US-4137919-$ or US-6520993-$ or US-5865848-$ or US-8900307-$).did.	US-PGPUB; USPAT	OR	ON	2015/08/26 18:39
L4	24	("20090130173" | "20130073046" | "20070088437" | "20100161056" | "6520993" | "20090254182" | "4137919" | "20120004729" | "20060058880" | "20090005870" | "20140121777" | "20040230308" | "20060122702" | "20070233272" | "20080091270" | "20040087969" | "20090099661" | "20050125062" | "20100292739" | "20100030333" | "20070299441" | "20120330425" | "20130190876" | "20060235519").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2015/08/26 18:39
L5	6	3 not 4	US-PGPUB; USPAT; USOCR	OR	ON	2015/08/26 18:39
S1	23	(("7815682") or ("7498041") or ("5531791") or ("20110144766") or ("20100286783") or ("20100268232") or ("20100042216") or ("20090319045") or ("20090192474") or ("20090155378") or ("20090130173") or ("20080281431") or ("20080114465") or ("20070098756") or ("20060293757") or ("20060280803") or ("20060233851") or ("20050085922") or ("20050021142") or ("20030167092") or ("20030114936") or ("20030009235") or ("20020120338")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2013/10/15 10:21
S2	548	((william) near2 (mckay)).in.	US-PGPUB; USPAT; USOCR; EPO; DERWENT	OR	ON	2013/10/15 10:21
S3	4044	warsaw adj orthopedic.as.	US-PGPUB;	OR	ON	2013/10/15

Moskowitz Exhibit 2011, Medtronic v. Moskowitz IPR2026-00163 p. 14

			USPAT; USOCR; EPO; DERWENT			10:22
S5	1	("4708821").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2013/10/15 12:09
S6	3	(("20050125062") or ("20090005870") or ("20060058880")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2013/10/15 12:16
S7	23	(("7815682") or ("7498041") or ("5531791") or ("20110144766") or ("20100286783") or ("20100268232") or ("20100042216") or ("20090319045") or ("20090192474") or ("20090155378") or ("20090130173") or ("20080281431") or ("20080114465") or ("20070098756") or ("20060293757") or ("20060280803") or ("20060233851") or ("20050085922") or ("20050021142") or ("20030167092") or ("20030114936") or ("20030009235") or ("20020120338")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2013/10/15 18:00
S8	21	S7 and allograft	US-PGPUB; USPAT; USOCR	OR	ON	2013/10/15 18:00
S9	4	S7 and (allograft with (fill filler))	US-PGPUB; USPAT; USOCR	OR	ON	2013/10/15 18:00
S10	157	(623/17.11-17.16).ccls. and (allograft with (fill filler))	US-PGPUB; USPAT; USOCR	OR	ON	2013/10/15 18:02
S11	24	(623/17.11-17.16).ccls. and (allograft with (fill filler) with demineralized)	US-PGPUB; USPAT; USOCR	OR	ON	2013/10/15 18:05
S12	21	S7 and demineralized	US-PGPUB; USPAT; USOCR	OR	ON	2013/10/15 18:40
S13	7	S7 and (demineralized same fiber same chip)	US-PGPUB; USPAT; USOCR	OR	ON	2013/10/15 18:42
S14	10	(623/17.11-17.16).ccls. and (demineralized same fiber same chip)	US-PGPUB; USPAT; USOCR	OR	ON	2013/10/15 18:45
S15	0	("2013/0268075").URPN.	USPAT	OR	ON	2013/10/15 18:45
S16	18	S7 and (cortical)	US-PGPUB; USPAT; USOCR	OR	ON	2013/10/15 19:14
S17	3	(("20050125062") or ("20090005870") or ("20060058880")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2013/10/15 19:16
S18	0	S17 and (cortical)	US-PGPUB; USPAT; USOCR	OR	ON	2013/10/15 19:16
S19	6817	(623/17.11-17.16).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2013/10/15 19:16
S20	548	((william) near2 (mckay)).in.	US-PGPUB;	OR	ON	2013/10/15

			USPAT; USOCR; EPO; DERWENT			19:16
S21	163	S20 and bone.ab.	US-PGPUB; USPAT; USOCR; EPO; DERWENT	OR	ON	2013/10/15 19:16
S22	9	S20 and (bone and cortical and allograft).clm.	US-PGPUB; USPAT; USOCR; EPO; DERWENT	OR	ON	2013/10/15 19:19
S23	6	(US-20090005870-$ or US-20050125062-$ or US-20060058880-$ or US-20090254182-$ or US-20090130173-$ or US-20080091270-$).did.	US-PGPUB	OR	ON	2013/10/15 19:29
S24	5	S23 not S7	US-PGPUB; USPAT; USOCR	OR	ON	2013/10/15 19:29
S25	7129	(623/17.11-17.16).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2014/03/26 21:20
S26	35	S25 and (triang$4 same dove$1tail$2)	US-PGPUB; USPAT; USOCR	OR	ON	2014/03/26 21:21
S27	17	S25 and (triang$4 same tongue)	US-PGPUB; USPAT; USOCR	OR	ON	2014/03/26 21:35
S28	6	S27 not S26	US-PGPUB; USPAT; USOCR	OR	ON	2014/03/26 21:35
S29	22	("151198" "123359").ap.	US-PGPUB; USPAT; USOCR	OR	ON	2014/03/26 21:38
S30	7617	(606/60,246-279).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2014/03/26 21:40
S31	11	S30 and (triang$4 same dove$1tail$2)	US-PGPUB; USPAT; USOCR	OR	ON	2014/03/26 21:40
S32	7	S30 and (triang$4 same tongue)	US-PGPUB; USPAT; USOCR	OR	ON	2014/03/26 21:42
S33	2036	(triang$4 same tongue same groove)	US-PGPUB; USPAT; USOCR	OR	ON	2014/03/26 21:43
S34	428	(triang$4 with tongue with groove)	US-PGPUB; USPAT; USOCR	OR	ON	2014/03/26 21:44
S35	29	S34 and ("606" "623").clas.	US-PGPUB; USPAT; USOCR	OR	ON	2014/03/26 21:44
S36	55	S33 and ("606" "623").clas.	US-PGPUB; USPAT; USOCR	OR	ON	2014/03/26 21:50
S37	26	S36 not S35	US-PGPUB;	OR	ON	2014/03/26

			USPAT; USOCR			21:50
S38	399	S34 not S35	US-PGPUB; USPAT; USOCR	OR	ON	2014/03/26 21:55
S39	15003	(triang$4 with (connection mating))	US-PGPUB; USPAT; USOCR	OR	ON	2014/03/26 22:00
S40	64	S39 and (S25 S30)	US-PGPUB; USPAT; USOCR	OR	ON	2014/03/26 22:01
S41	0	("2013/0268075").URPN.	USPAT	OR	ON	2014/03/27 11:30
S42	8	(US-20090005870-$ or US-20050125062-$ or US-20060058880-$ or US-20090254182-$ or US-20090130173-$ or US-20080091270-$ or US-20100292739-$).did. or (US-4137919-$).did.	US-PGPUB; USPAT	OR	ON	2014/03/27 15:11
S43	37771	((A61F2002/30062 OR A61F2210/0004 OR A61F2220/0025 OR A61F2/4455 OR A61F2002/30387 OR A61F2002/30383 OR A61F2002/3052).CPC.)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/03/27 15:14
S44	2720	((A61F2002/30383).CPC.)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/03/27 15:17
S45	3714	((A61F2002/30387,30388).CPC.)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/03/27 15:17
S46	564	((william) near2 (mckay)).in.	US-PGPUB; USPAT; USOCR; EPO; DERWENT	OR	ON	2014/03/27 15:18
S47	4241	warsaw adj orthopedic.as.	US-PGPUB; USPAT; USOCR; EPO; DERWENT	OR	ON	2014/03/27 15:18
S48	18	("6375458" | "20020165543" | "6342054" | "20020026190" | "4718151" | "5741252" | "20050171539" | "5190546" | "5752954" | "20020165543" | "6022348" | "20030149429" | "6616664" | "20010028148" | "20020013586" | "20060212068" | "6332883" | "5921985" | "6702814").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2014/03/27 15:21

S49	8	(US-20090005870-$ or US-20050125062-$ or US-20060058880-$ or US-20090254182-$ or US-20090130173-$ or US-20080091270-$ or US-20100292739-$).did. or (US-4137919-$).did.	US-PGPUB; USPAT	OR	ON	2014/03/27 15:21
S50	18	S48 not S49	US-PGPUB; USPAT; USOCR	OR	ON	2014/03/27 15:21
S51	8	S49 not S48	US-PGPUB; USPAT; USOCR	OR	ON	2014/03/27 15:21
S52	8	(US-20090005870-$ or US-20050125062-$ or US-20060058880-$ or US-20090254182-$ or US-20090130173-$ or US-20080091270-$ or US-20100292739-$).did. or (US-4137919-$).did.	US-PGPUB; USPAT	OR	ON	2014/03/27 15:21
S53	5	("20050125062" | "20060058880" | "20080091270" | "20090005870" | "20090254182").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2014/03/27 15:22
S54	3	S52 not S53	US-PGPUB; USPAT; USOCR	OR	ON	2014/03/27 15:22
S55	6	("2009/0005870").URPN.	USPAT	OR	ON	2014/09/22 12:44
S56	1	"768636".ap. and hawkins.in.	US-PGPUB; USPAT; USOCR	OR	ON	2014/09/22 12:46
S57	152	(A61F2002/30388).CPC.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/09/22 12:47
S58	316	(A61F2002/30387 and A61F2002/30975 andA61F2220/0025 and A61F2/4611).CPC.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/09/22 12:50
S59	316	(A61F2002/30387 and A61F2002/30975 andA61F2220/0025 and A61F2/4611).CPC.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/09/22 15:44
S60	30	(A61F2002/30385 and A61F2002/30975 andA61F2220/0025 and A61F2/4611).CPC.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/09/22 15:44
S61	71	(A61F2002/30329 and A61F2002/30975 and A61F2/44).CPC.	US-PGPUB; USPAT; USOCR;	OR	ON	2014/09/22 15:52

Moskowitz Exhibit 2011, Medtronic v. Moskowitz IPR2026-00163 p. 18

			FPRS; EPO; JPO; DERWENT; IBM_TDB			
S62	595	((william) near2 (mckay)).in.	US-PGPUB; USPAT; USOCR; EPO; DERWENT	OR	ON	2014/09/22 15:54
S63	7558	(623/17.11-17.16).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2014/09/22 15:54
S64	4	(("20050125062") or ("20090005870") or ("20060058880") or ("4807416")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2014/09/22 15:55
S65	53	S63 and (bottom same top same rail same slid$4)	US-PGPUB; USPAT; USOCR	OR	ON	2014/09/22 15:56
S66	17	S63 and ((v$1shape$1 triangle triangular) with (wedge notch rail guide groove tongue ridge) with slid$4)	US-PGPUB; USPAT; USOCR	OR	ON	2014/09/22 15:59
S67	28	implant.ab. and ((v$1shape$1 triangle triangular) with (wedge notch rail guide groove tongue ridge) with slid$4)	US-PGPUB; USPAT; USOCR	OR	ON	2014/09/22 16:09
S68	22	S67 not S66	US-PGPUB; USPAT; USOCR	OR	ON	2014/09/22 16:09
S69	9	"065291".ap.	US-PGPUB; USPAT; USOCR	OR	ON	2014/09/22 16:15
S70	165	(A61F2002/30975 and A61F2/44).CPC.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/09/22 16:47
S71	0	S70 and ((v$1shape$1 triangle triangular) with (wedge notch rail guide groove tongue ridge) with slid$4)	US-PGPUB; USPAT; USOCR	OR	ON	2014/09/22 16:48
S72	139	"606".clas. and ((v$1shape$1 triangle triangular) with (wedge notch rail guide groove tongue ridge) with slid$4)	US-PGPUB; USPAT; USOCR	OR	ON	2014/09/22 16:51
S73	21	("4619262" | "4919152" | "4944443" | "5022579" | "5125553" | "5174487" | "5246156" | "5282808" | "5289963" | "5356064" | "5364002" | "5366479" | "5392978" | "5413584" | "5544802" | "5547474" | "5582615" | "5626586" | "5695502" | "5769303" | "5908149").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2014/09/22 16:59
S74	27	"623".clas. and ((v$1shape$1 triangle triangular) with (wedge notch rail guide groove tongue ridge) with slid$4)	US-PGPUB; USPAT; USOCR	OR	ON	2014/09/22 17:00
S75	686	a61f2002/30359.cpc.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO;	OR	ON	2014/09/22 17:03

			DERWENT; IBM_TDB			
S76	11	S75 and S63	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/09/22 17:04
S77	8	"267119".ap.	US-PGPUB; USPAT; USOCR	OR	ON	2014/09/22 17:06
S78	7392	(606/246-279).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2014/09/22 17:09
S79	1	S75 and S78	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/09/22 17:09
S80	306	a61f2002/30385.cpc.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/09/22 17:11
S81	0	("2013/0268075").URPN.	USPAT	OR	ON	2014/09/22 17:11
S82	4474	warsaw adj orthopedic.as.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/09/22 17:14
S83	2869	a61f2002/30383.cpc.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/09/22 17:19
S84	0	S83 and ((v$1shape$1 triangle triangular) with (wedge notch rail guide groove tongue ridge) with slid$4)	US-PGPUB; USPAT; USOCR	OR	ON	2014/09/22 17:19
S85	262	S83 and (v$1shape$1 triangle triangular)	US-PGPUB; USPAT; USOCR	OR	ON	2014/09/22 17:19
S86	14	(US-20090005870-$ or US-20050125062-$ or US-20060058880-$ or US-20090254182-$ or US-20090130173-$ or US-20080091270-$ or US-20100292739-$ or US-20120330425-$ or US-20120004729-$ or US-20070299441-$ or US-20040087969-$ or US-20140121777-$ or US-20130073046-$).did. or (US-4137919-$).did.	US-PGPUB; USPAT	OR	ON	2014/09/22 19:56

S87	8	("20090130173" | "20090254182" | "4137919" | "20060058880" | "20090005870" | "20080091270" | "20050125062" | "20100292739").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2014/09/22 19:56
S88	6	S86 not S87	US-PGPUB; USPAT; USOCR	OR	ON	2014/09/22 19:56
S89	14	(US-20090005870-$ or US-20050125062-$ or US-20060058880-$ or US-20090254182-$ or US-20090130173-$ or US-20080091270-$ or US-20100292739-$ or US-20120330425-$ or US-20120004729-$ or US-20070299441-$ or US-20040087969-$ or US-20140121777-$ or US-20130073046-$).did. or (US-4137919-$).did.	US-PGPUB; USPAT	OR	ON	2015/02/20 18:25
S90	8	S89 and (surface contact) near3 area	US-PGPUB; USPAT; USOCR	OR	ON	2015/02/20 18:25
S91	7837	(623/17.11-17.16).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2015/02/20 18:38
S92	3	S91 and (((surface contact) near3 area) with "%")	US-PGPUB; USPAT; USOCR	OR	ON	2015/02/20 18:39
S93	7887	(623/17.11-17.16).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2015/03/23 14:27
S94	6307	S93 and material same (bone allograft cortical cancellous fiber chip)	US-PGPUB; USPAT; USOCR	OR	ON	2015/03/23 14:27
S95	3410	S93 and material same ((bone allograft cortical cancellous fiber chip) with (peek synthetic polymer metal ceramic non$1bone))	US-PGPUB; USPAT; USOCR	OR	ON	2015/03/23 14:28
S96	2498	S93 and material same ((allograft cortical cancellous fiber chip) with (peek synthetic polymer metal ceramic non$1bone))	US-PGPUB; USPAT; USOCR	OR	ON	2015/03/23 14:29
S97	804	S96 and @pd>"20120405"	US-PGPUB; USPAT; USOCR	OR	ON	2015/03/23 14:31
S98	1693	S96 and @pd<"20120405"	US-PGPUB; USPAT; USOCR	OR	ON	2015/03/23 14:32
S99	1865	S93 and material same ((cortical cancellous fiber chip) with (peek synthetic polymer metal ceramic non$1bone))	US-PGPUB; USPAT; USOCR	OR	ON	2015/03/23 14:34
S100	1288	S99 and @pd<"20120405"	US-PGPUB; USPAT; USOCR	OR	ON	2015/03/23 14:35
S101	272	S93 and material same ((cortical) with (peek synthetic polymer metal ceramic non$1bone))	US-PGPUB; USPAT; USOCR	OR	ON	2015/03/23 14:35
S102	0	("2013/0268075").URPN.	USPAT	OR	ON	2015/03/23 14:36
S103	192	S93 and material same ((filament spindle	US-PGPUB;	OR	ON	2015/03/23

		particle dust fiber chip) with (demineraliz$3 (mineral adj content)))	USPAT; USOCR			17:09
S104	15	S103 and (demineraliz$3 (mineral adj content)) with (percent "%" weight)	US-PGPUB; USPAT; USOCR	OR	ON	2015/03/23 17:11
S105	1	("8268008").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2015/03/23 17:20
S106	24	(US-20090005870-$ or US-20050125062-$ or US-20060058880-$ or US-20090254182-$ or US-20090130173-$ or US-20080091270-$ or US-20100292739-$ or US-20120330425-$ or US-20120004729-$ or US-20070299441-$ or US-20040087969-$ or US-20140121777-$ or US-20130073046-$ or US-20130190876-$ or US-20100161056-$ or US-20100030333-$ or US-20060235519-$ or US-20060122702-$ or US-20040230308-$ or US-20090099661-$ or US-20070233272-$ or US-20070088437-$).did. or (US-4137919-$ or US-6520993-$).did.	US-PGPUB; USPAT	OR	ON	2015/03/23 17:22
S107	6	S106 and ratio	US-PGPUB; USPAT; USOCR	OR	ON	2015/03/23 17:22
S108	14	("20090130173" | "20130073046" | "20090254182" | "4137919" | "20120004729" | "20060058880" | "20090005870" | "20140121777" | "20080091270" | "20040087969" | "20050125062" | "20100292739" | "20070299441" | "20120330425").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2015/03/23 18:00
S109	10	S106 not S108	US-PGPUB; USPAT; USOCR	OR	ON	2015/03/23 18:00
S110	619	((william) near2 (mckay)).in.	US-PGPUB; USPAT; USOCR; EPO; DERWENT	OR	ON	2015/03/23 18:01
S111	4634	warsaw adj orthopedic.as.	US-PGPUB; USPAT; USOCR; EPO; DERWENT	OR	ON	2015/03/23 18:01
S112	187	(A61F2002/30975 and A61F2/44).CPC.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/03/23 18:02
S113	320	(A61F2002/30387 and A61F2002/30975 andA61F2220/0025 and A61F2/4611).CPC.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/03/23 18:02

S114	41237	((A61F2002/30062 OR A61F2210/0004 OR A61F2220/0025 OR A61F2/4455 OR A61F2002/30387 OR A61F2002/30383 OR A61F2002/3052).CPC.)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/03/23 18:02
S115	1	"440241".ap. and implant.clm.	US-PGPUB; USPAT; USOCR	OR	ON	2015/08/26 13:02
S116	0	("2013/0268075").URPN.	USPAT	OR	ON	2015/08/26 13:03
S117	4159	a61f2/4455,447.cpc.	US-PGPUB; USPAT; USOCR	OR	ON	2015/08/26 13:07
S118	802	S117 and ((wedge$1 ramp$3) with surface)	US-PGPUB; USPAT; USOCR	OR	ON	2015/08/26 13:07
S119	4	(("20050125062") or ("20090005870") or ("20060058880") or ("4807416")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2015/08/26 13:10
S120	8	("2009/0005870").URPN.	USPAT	OR	ON	2015/08/26 13:15
S121	17	("20040186570" | "20050125062" | "20050177235" | "20070270968" | "20070276375" | "20080033440" | "20090005870" | "5697977" | "5865848" | "6102950" | "6558424" | "6562074" | "6648917" | "6852129" | "6863673" | "7618458" | "8128700").PN. OR ("8623091").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2015/08/26 13:16
S122	26	("2008/0033440").URPN.	USPAT	OR	ON	2015/08/26 13:20
S123	53	("20020165612" | "20030004576" | "20030040799" | "20030135275" | "20030139812" | "20030139813" | "20030233145" | "20040030387" | "20040087947" | "20040088055" | "20040127991" | "20040162618" | "20040172133" | "20040230309" | "20050038515" | "20050125062" | "20060058876" | "20060122701" | "20060142858" | "20060235531" | "20070010886" | "20070055377" | "20070191959" | "20070208423" | "20070299521" | "20080015701" | "20080021558" | "20080027550" | "20080058944" | "20080065219" | "20080082173" | "20080177388" | "20080195209" | "20080249622" | "5370697" | "5534029" | "5665122" | "5865848" | "6045579" | "6179794" | "6419705" | "6419706" | "6454807" | "6558424" | "6855167" | "6893464" | "7018412" | "7018416" | "7094257" | "7223292" | "7226483" | "7618458").PN. OR ("8900307").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2015/08/26 13:24
S124	634	((william) near2 (mckay)).in.	US-PGPUB; USPAT; USOCR;	OR	ON	2015/08/26 14:23

			EPO; DERWENT			
S125	4750	warsaw adj orthopedic.as.	US-PGPUB; USPAT; USOCR; EPO; DERWENT	OR	ON	2015/08/26 14:23
S126	270	S124 and S125	US-PGPUB; USPAT; USOCR; EPO; DERWENT	OR	ON	2015/08/26 14:23

EAST Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	0	(implant and bottom and top and cortical and superior and contact and ramped).clm.	US-PGPUB	OR	ON	2015/08/26 18:38
L2	1	(implant and bottom and top and contact and ramped).clm.	US-PGPUB	OR	ON	2015/08/26 18:38

8/26/2015 6:40:18 PM
C:\Users\jjohanas\Documents\EAST\Workspaces\13440241.wsp

Moskowitz Exhibit 2011,
Medtronic v. Moskowitz IPR2026-00163 p. 24

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

BIB DATA SHEET

CONFIRMATION NO. 4328

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
13/440,241	04/05/2012 RULE	623	3733	C00003033.USU1

APPLICANTS

INVENTORS

William F. McKay, Memphis, TN;

**** CONTINUING DATA ***************************

**** FOREIGN APPLICATIONS ***************************

**** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ****

04/17/2012

		STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
Foreign Priority claimed ☐ Yes ☑ No 35 USC 119(a-d) conditions met ☐ Yes ☑ No Verified and Acknowledged /JACQUELINE T JOHANAS/ Examiner's Signature	☐ Met after Allowance Initials	TN	2	20	3

ADDRESS

Medtronic, Inc. (Spinal)
710 Medtronic Parkway
Minneapolis, MN 55432
UNITED STATES

TITLE

INTERBODY BONE IMPLANT DEVICE

FILING FEE RECEIVED		
1250	FEES: Authority has been given in Paper No._____ to charge/credit DEPOSIT ACCOUNT No._____ for following:	☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	13440241	MCKAY, WILLIAM F.
	Examiner	**Art Unit**
	JACQUELINE JOHANAS	3733

CPC						
Symbol					**Type**	**Version**
A61F		2	/	447	F	2013-01-01
A61F		2	/	30965	A	2013-01-01
A61F		2	/	4465	I	2013-01-01
A61F		2002	/	2817	A	2013-01-01
A61F		2002	/	2835	A	2013-01-01
A61F		2002	/	30032	A	2013-01-01
A61F		2002	/	30034	A	2013-01-01
A61F		2002	/	30062	A	2013-01-01
A61F		2002	/	3037	A	2013-01-01
A61F		2002	/	30383	A	2013-01-01
A61F		2002	/	30385	A	2013-01-01
A61F		2002	/	3039	A	2013-01-01
A61F		2002	/	30397	A	2013-01-01
A61F		2002	/	30448	A	2013-01-01
A61F		2002	/	30484	A	2013-01-01
A61F		2002	/	3052	A	2013-01-01
A61F		2002	/	30599	A	2013-01-01
A61F		2002	/	30607	A	2013-01-01
A61F		2002	/	30616	A	2013-01-01
A61F		2002	/	30774	A	2013-01-01
A61F		2002	/	3082	A	2013-01-01
A61F		2002	/	30823	A	2013-01-01
A61F		2002	/	30825	A	2013-01-01
A61F		2002	/	4475	A	2013-01-01
A61F		2002	/	4655	A	2013-01-01
A61F		2310	/	00017	A	2013-01-01
A61F		2310	/	00023	A	2013-01-01
A61F		2310	/	00029	A	2013-01-01
A61F		2310	/	00047	A	2013-01-01
A61F		2310	/	00179	A	2013-01-01
A61F		2310	/	00239	A	2013-01-01

NONE (Assistant Examiner)	(Date)	**Total Claims Allowed:** 15	
/JACQUELINE JOHANAS/ Examiner.Art Unit 3733 (Primary Examiner)	08/26/2015 (Date)	O.G. Print Claim(s) 1	O.G. Print Figure 10

Moskowitz Exhibit 2011,
Medtronic v. Moskowitz IPR2026-00163 p. 26

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	13440241	MCKAY, WILLIAM F.
	Examiner	**Art Unit**
	JACQUELINE JOHANAS	3733

A61F	2310	/	00317	A	2013-01-01
A61F	2310	/	00359	A	2013-01-01
A61F	2310	/	00365	A	2013-01-01
A61F	2310	/	0097	A	2013-01-01

CPC Combination Sets

Symbol				Type	Set	Ranking	Version
			/				
			/				

NONE (Assistant Examiner)	(Date)	**Total Claims Allowed:** 15	
/JACQUELINE JOHANAS/ Examiner.Art Unit 3733 (Primary Examiner)	08/26/2015 (Date)	O.G. Print Claim(s) 1	O.G. Print Figure 10

Moskowitz Exhibit 2011,
Medtronic v. Moskowitz IPR2026-00163 p. 27

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	13440241	MCKAY, WILLIAM F.
	Examiner	**Art Unit**
	JACQUELINE JOHANAS	3733

US ORIGINAL CLASSIFICATION		INTERNATIONAL CLASSIFICATION	
CLASS	SUBCLASS	CLAIMED	NON-CLAIMED
623	17.16	A 6 1 F 2 / 44 (2006.01.01)	

CROSS REFERENCE(S)					
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)				

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	15	
/JACQUELINE JOHANAS/ Examiner.Art Unit 3733	08/26/2015	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	10

Moskowitz Exhibit 2011,
Medtronic v. Moskowitz IPR2026-00163 p. 28

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	13440241	MCKAY, WILLIAM F.
	Examiner	**Art Unit**
	JACQUELINE JOHANAS	3733

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
1	1		17												
2	2		18												
3	3		19												
4	4		20												
5	5		21												
7	6	6	22												
8	7														
11	8														
12	9														
13	10														
14	11														
9	12														
10	13														
15	14														
	15														
	16														

NONE (Assistant Examiner)	(Date)	**Total Claims Allowed:** 15	
/JACQUELINE JOHANAS/ Examiner.Art Unit 3733 (Primary Examiner)	08/26/2015 (Date)	O.G. Print Claim(s) 1	O.G. Print Figure 10

Moskowitz Exhibit 2011,
Medtronic v. Moskowitz IPR2026-00163 p. 29

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	13440241	MCKAY, WILLIAM F.
	Examiner	**Art Unit**
	JACQUELINE JOHANAS	3733

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	07/29/2013	10/15/2013	03/27/2014	09/22/2014	03/23/2015	08/26/2015			
1	1	÷	✓	✓	✓	✓	=			
2	2	÷	✓	✓	✓	✓	=			
3	3	÷	✓	✓	✓	✓	=			
4	4	÷	✓	✓	✓	✓	=			
5	5	÷	✓	✓	✓	✓	=			
7	6	÷	✓	✓	✓	✓	=			
8	7	÷	✓	✓	✓	✓	=			
11	8	÷	✓	✓	✓	✓	=			
12	9	÷	✓	✓	✓	✓	=			
13	10	÷	✓	✓	✓	✓	=			
14	11	÷	✓	✓	✓	✓	=			
9	12	÷	✓	✓	✓	✓	=			
10	13	÷	✓	✓	✓	✓	=			
15	14	÷	✓	✓	✓	✓	=			
	15	÷	✓	✓	✓	-	-			
	16	÷	N	N	N	N	-			
	17	÷	N	N	N	N	-			
	18	÷	N	N	N	N	-			
	19	÷	N	N	N	N	-			
	20	÷	N	N	N	N	-			
	21					✓	-			
6	22						=			

Moskowitz Exhibit 2011,
Medtronic v. Moskowitz IPR2026-00163 p. 30

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	13440241	MCKAY, WILLIAM F.
	Examiner	**Art Unit**
	JACQUELINE JOHANAS	3733

CPC- SEARCHED

Symbol	Date	Examiner
A61F2002/30062, A61F2210/0004, A61F2220/0025, A61F2/4455, A61F2002/30387-30388, A61F2002/30383, A61F2002/3052	3/27/2014	JJ
Above Updated, A61F2002/30385, 30359, 30975, A61F2/44	9/22/2014	JJ
Above Updated	3/23/2015	JJ
Above Updated	8/26/2015	JJ
A61F2/4455,447	8/26/2015	JJ

CPC COMBINATION SETS - SEARCHED

Symbol	Date	Examiner

US CLASSIFICATION SEARCHED

Class	Subclass	Date	Examiner
623	17.11-17.16	10/15/2013	JJ
	Above Updated	3/27/2014	JJ
	Above Updated	9/22/2014	JJ
	Above Updated	3/23/2015	JJ
	Above Updated	8/26/2015	JJ

SEARCH NOTES

Search Notes	Date	Examiner
EAST Search	10/15/2013	JJ
Inventor search, assignee search	10/15/2013	JJ
Above Updated	3/27/2014	JJ
Above Updated	9/22/2014	JJ
Above Updated	3/23/2015	JJ
Above Updated	8/26/2015	JJ

INTERFERENCE SEARCH

Moskowitz Exhibit 2011,
Medtronic v. Moskowitz IPR2026-00163 p. 31

US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner
	PGPUB Database Text Search, see interference search history printout	8/26/2015	JJ

Moskowitz Exhibit 2011,
Medtronic v. Moskowitz IPR2026-00163 p. 32