'737 Patent Claim 1: "Distal Catheter Section"

Excerpts from Ex-2001, Declaration of Dr. William W. Cimino

45. "a distal catheter section": The ordinary and customary meaning of this claim term, as understood by a PHOSITA, is simply a distal portion of a catheter. The '737 Patent specification discloses, for example, a distal catheter member 520 embodying this concept, in that it is a distally-located portion of a catheter. Ex. 1001 at 29: 64; Figs. 12, 15, 16.

47. Dr. Resnick confirms this understanding in his Deposition, stating that a balloon catheter consists of the balloon and the catheter it is mounted on, the catheter being "***the shaft of the device***, typically … extending from the proximal hub to the end of the device distally". Ex. 2002 at 26:11-27:3 (emphasis added). A PHOSITA would understand, therefore, that a distal catheter section is a distal portion ***of the shaft*** of the device, and not other distally-located components of an overall system, e.g., a guide wire.

106. As explained above at paragraph 45, the ordinary and customary meaning of the claim term "distal catheter section", as understood by a PHOSITA, is simply a distal portion of a catheter shaft. The '737 Patent specification discloses, for example, a distal catheter member 520 embodying this concept, in that it is a distally-located portion of a catheter shaft.

EXHIBIT
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