

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EDWARDS LIFESCIENCES CORPORATION, EDWARDS LIFESCIENCES
LLC, AND EDWARDS LIFESCIENCES AG
Petitioners

v.

BOSTON SCIENTIFIC SCIMED, INC.
Patent Owner

Case IPR2017-00060
Patent 8,992,608

Before the Honorable NEIL T. POWELL, JAMES A. TARTAL, and ROBERT L.
KINDER, *Administrative Patent Judges*.

**PETITIONERS' AMENDED OBJECTIONS TO AMENDED
DEMONSTRATIVES**

After serving demonstratives on Petitioners on December 8, 2017, and on the Board on December 12, Patent Owner amended its demonstratives in the version filed as Exhibit 2100 on December 19, reordering its slides and removing titles. Petitioners had timely filed their objections to Patent Owner's slides (Paper No. 52) on December 15, based on the version served on December 8. Pursuant to the Board's February 9, 2018 Decision (Paper No. 56 at 14) that "Petitioner is authorized to file, no later than February 16, 2018, an amended set of objections to Patent Owner's demonstratives that contain no substantive changes from the originally filed objections other than to amend the identification of the slide that is the subject of the objection," Petitioners herein provide an amended set of objections that identify the changes made to the slide numbers in the December 19 submission (Exhibit 2100) from the original slides.¹

Objections to Exhibit 2100

Petitioners maintain their scope objections (Papers 45, 51) to the new arguments and evidence Patent Owner improperly raises in its motion to exclude papers.

¹ Per the Board's order, the only substantive changes Petitioners have made to their objections are to update the slide numbers. Due to Patent Owner's removal of the objected-to titles from **Slide 3** (original slide 15) and **Slide 4** (original slide 16), however, if acceptable to the Board, Petitioners would withdraw these objections.

Petitioners object to all of Patent Owner's slides for failing to identify where in the papers any of these arguments were made or exhibits were cited.

Petitioners object to Patent Owner's Slide 59 (original slide 8) as improper new evidence and argument that does not appear in Patent Owner's Response.

Petitioners object to Patent Owner's Slide 3 (original slide 15) for misstating the record because Dr. Buller testified that he has experience in surgical valve operations.

Petitioners object to Patent Owner's Slide 4 (original slide 16) to the extent that it states Dr. Buller has no experience with abdominal aortic aneurysms (AAA), which is contrary to Dr. Buller's testimony.

Petitioners object to Patent Owner's Slide 13 (original slide 20) for misstating the record to the extent it suggests Elliot, Thornton, and Cook are limited to AAA stent grafts by omitting key portions of the quoted disclosures.

Petitioners object to Patent Owner's Slide 116 (original slide 108) as improper new evidence and argument in the form of dictionary definitions never before cited in Patent Owner's Response and never entered into evidence.

Petitioners object to Patent Owner's Slide 52 (original slide 109) as improper new evidence and argument that does not appear in Patent Owner's Response.

Petitioners object to Patent Owner's Slide 53 (original slide 110) as improper new evidence and argument that does not appear in Patent Owner's Response.

Petitioners object to Patent Owner's Slide 54 (original slide 111) as improper new evidence and argument that does not appear in Patent Owner's Response.

Petitioners object to Patent Owner's Slide 55 (original slide 112) as improper new evidence and argument in the form of dictionary definitions never before cited in Patent Owner's Response and never entered into evidence.

Dated: February 12, 2018

Respectfully submitted,

/s/ Gregory S. Cordrey

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Attorneys for Petitioners

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on February 12, 2018, a complete and entire copy of **PETITIONERS' AMENDED OBJECTIONS TO AMENDED DEMONSTRATIVES** has been served in its entirety by e-mail on the following addresses of record for Patent Owner:

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/s/ Gregory S. Cordrey

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