

EXHIBIT 1

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 B2

[PROPOSED] STIPULATED PROTECTIVE ORDER

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

This standing protective order governs the treatment and filing of confidential information, including documents and testimony.

1. Petitioners Edwards Lifesciences Corporation and Edwards Lifesciences LLC (“Edwards”) and Patent Owner Boston Scientific Scimed, Inc. (“Boston Scientific”) are parties to a patent infringement action in the United States District Court for the District of Delaware captioned *Boston Scientific Corp., et al. v. Edwards Lifesciences Corp., et al.*, No. 1:16-cv-275-SLR (the “Delaware Action”). A protective order was entered in the Delaware Action (the “Delaware Protective Order,” attached hereto as Appendix A) that provides for the protection of trade secret, proprietary, and other confidential research, development, financial, business, or commercial information. The protective order permits the parties to use information designated pursuant to the Delaware Protective Order as “CONFIDENTIAL,” “HIGHLY CONFIDENTIAL,” or “HIGHLY CONFIDENTIAL -- ATTORNEYS’ EYES ONLY” (collectively, “Confidential Information”) in *inter partes* review proceedings relating to the patents-in-suit, including U.S. Patent 8,992,608. Edwards and Boston Scientific intend to use such Confidential Information in this *inter partes* review proceeding and desire to protect such information to the same extent that such information is protected by the Delaware Protective Order and in accordance with the rules and guidelines issued by the Patent Trial and Appeal Board (the “Board”).

2. Any Confidential Information that a party seeks to use from the Delaware Action for purposes of this proceeding shall be clearly marked “PROTECTIVE ORDER MATERIAL.” Confidential Information designated in the Delaware Action shall continue to be maintained with the original confidentiality designation and shall continue to be subject to the protections provided for in the Delaware Protective Order.

3. Access to Confidential Information, for purposes of this proceeding, is limited to the following individuals who have executed the acknowledgment appended to this order (including the acknowledgment that they are bound by the prosecution bar set forth in Paragraph 8 of the Delaware Protective Order and the other provisions of the Delaware Protective Order):

(A) Parties. Persons who are owners of a patent involved in the proceeding and other persons who are named parties to the proceedings, subject to the restrictions in paragraph 3(E) below and only as permitted by the terms of the Delaware Protective Order.

(B) Party Representatives. Representatives of record for a party in the proceeding and outside counsel of record in the Delaware Action who would be permitted access to Confidential Information under the Delaware Protective Order, but only as permitted by the terms of the Delaware Protective Order.

(C) Experts. Retained experts of a party in the proceeding or in the Delaware Action who further certify in the Acknowledgement that they are not a competitor to any party, or a consultant for, or employed by, such a competitor with respect to the subject matter of the proceeding.

(D) In-house counsel. In-house counsel of a party but only as permitted by the terms of the Delaware Protective Order.

(E) Other Employees of a Party. Employees, consultants or other persons performing work for a party, other than in-house counsel and in-house counsel's support staff, who sign the Acknowledgement shall be extended access to Confidential Information only upon agreement of the parties or by order of the Board upon a motion brought by the party seeking to disclose Confidential Information to that person. The party opposing disclosure to that person shall have the burden of proving that such person should be restricted from access to such information, except that, to the extent disclosure to that person would not be permitted under the terms of the Delaware Protective Order, the party seeking to expand disclosure to include that person shall bear the burden of proving that such person should be permitted access to such information.

(F) The Office. Employees and representatives of the Office who have a need for access to Confidential Information shall have such access

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