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18 **UNITED STATES DISTRICT COURT**
19 **CENTRAL DISTRICT OF CALIFORNIA**
20 **SOUTHERN DIVISION**

21 BOSTON SCIENTIFIC CORPORATION
and
22 BOSTON SCIENTIFIC SCIMED, INC.

23 Plaintiffs,

24 v.

25 EDWARDS LIFESCIENCES
26 CORPORATION,

27 Defendant.
28

Case No. 8:16-cv-0730-CJC-GJS

**BOSTON SCIENTIFIC
CORPORATION'S AND BOSTON
SCIENTIFIC SCIMED, INC.'S
OBJECTIONS AND RESPONSES
TO EDWARDS'S FIRST SET OF
INTERROGATORIES NOS. 1-12**

**Edwards Lifesciences v. Boston Scientific Scimed
U.S. Patent No. 6,915,560
IPR2017-00072 EX. 2011**

PLAINTIFFS' RESPONSES TO FIRST SET OF INTERROGATORIES

1 Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiffs
2 Boston Scientific Corporation and Boston Scientific Scimed, Inc. (collectively,
3 “Boston Scientific”) hereby object and respond to the First Set of Interrogatories
4 (Nos. 1-12) served by Edwards Lifesciences Corporation (“Edwards”).

5 **PRELIMINARY STATEMENT**

6 Boston Scientific’s investigation, discovery, and analysis are ongoing, and
7 Boston Scientific’s response to each of these interrogatories is based on information
8 and documents presently available to Boston Scientific after a reasonable
9 investigation. Boston Scientific reserves the right to supplement or amend these
10 responses in the event that further information and/or documents are disclosed or
11 discovered.

12 Specific objections to the First Set of Interrogatories are made on an individual
13 basis in the response below. In addition to these specific objections, Boston
14 Scientific makes certain continuing objections (“General Objections”) to Edwards’s
15 “Definitions” and “General Instructions” for interrogatories. These General
16 Objections are hereby incorporated by reference into the responses made to each
17 separate interrogatory. For particular emphasis, Boston Scientific has, from time to
18 time, expressly included one or more of the General Objections in certain of its
19 response below. Boston Scientific’s response to each individual interrogatory is
20 submitted without prejudice to, and without in any respect waiving, any General
21 Objections not expressly set forth in that specific response. Accordingly, the
22 inclusion of any specific objection in a response to an interrogatory below is neither
23 intended as, nor shall in any way be deemed to be, a waiver of any General
24 Objections or of any other specific objection made herein or that may be asserted at a
25 later date. In addition, the failure to include at this time any continuing or specific
26 objection to an interrogatory is neither intended as, nor shall in any way be deemed to
27 be, a waiver of Boston Scientific’s right to assert that or any other objection at a later
28 date.

1 No incidental or implied admissions are intended by the responses herein. Any
2 response and/or objections to a particular interrogatory shall not be taken as an
3 admission that Boston Scientific accepts or admits the existence of any “fact” set
4 forth in or assumed by that request.

5 **GENERAL OBJECTIONS**

6 Boston Scientific makes the following General Objections to Edwards’s First
7 Set of Interrogatories, including without limitation the instructions and definitions
8 set forth therein, whether or not separately set forth in each response to each
9 individual interrogatory:

10 1. Boston Scientific objects to the interrogatories to the extent they seek
11 information protected by any relevant privilege or legal protection, including, without
12 limitation, the attorney-client privilege, the work product doctrine, the joint defense
13 privilege, the settlement or settlement negotiation privilege, settlement materials, or
14 trial preparation materials. Any statement herein to the effect that Boston Scientific
15 will provide information in response to an interrogatory is limited to information that
16 does not fall within the scope of any relevant privilege.

17 2. Boston Scientific objects to the interrogatories to the extent they are
18 overly broad, unduly burdensome, or seek information that is not relevant to any
19 party’s claim or defense or not proportional to the needs of the case.

20 3. Boston Scientific objects to the interrogatories to the extent they are
21 vague, ambiguous, and use unlimited, undefined, subjective, or open-ended terms or
22 phrases.

23 4. Boston Scientific objects to the interrogatories to the extent they seek
24 purely legal conclusions.

25 5. Boston Scientific objects to the interrogatories to the extent that the
26 purported benefit of the discovery sought by the interrogatories is outweighed by the
27 burden and expense of responding to the interrogatories pursuant to Rule 26(b)(1) and
28 26(b)(2) of the Federal Rules of Civil Procedure. Boston Scientific objects to the

1 Boston Scientific objects to this interrogatory to the extent it seeks information
2 protected by the attorney-client privilege, work product doctrine, and/or any other
3 applicable privilege or immunity. Boston Scientific further objects to this
4 interrogatory as containing multiple subparts. Boston Scientific further objects that
5 the term “activities” as used in this interrogatory is vague, ambiguous, and/or overly
6 broad to the extent it is not limited to the accused products set forth in response to
7 Interrogatory No. 1 above. Boston Scientific further objects to this integratory as
8 overly broad, burdensome, and disproportional to the needs of the case to the extent it
9 seeks “*each* person at Boston Scientific who first became aware of such activities.”

10 Subject to the foregoing General and Specific Objections, Boston Scientific
11 responds as follows. Boston Scientific became aware of Commander Delivery
12 System, Ascendra+ Delivery System, Certitude Delivery System, NovaFlex+
13 Delivery System, RetroFlex 3 Delivery System, Edwards Crimper no later than the
14 presuit investigation Boston Scientific undertook in connection with its April 19,
15 2016 Complaint (D.I. 1) and no later than August 4, 2016 for the early versions of
16 these products.

17 Boston Scientific continues to investigate the information sought by this
18 interrogatory and reserves the right to supplement its response in accordance with the
19 Federal Rules as additional information becomes available.

20 **INTERROGATORY NO. 12:** Identify and describe in detail the origin of the prior
21 art “cam actuated stent crimper” shown in Figure 1 and described in col.1, line 62
22 through col.2, line 21 of the ’560 patent, including an identification of any products,
23 devices, things, patents, printed publications, or other documents that embody or
24 otherwise relate to the prior art “cam actuated stent crimper,” and identify the
25 person(s) most knowledgeable thereof. In identifying any products, devices or things
26 responsive to this interrogatory, please include if known the name, model number and
27 manufacturer of the product, device or thing, whether or not it was sold
28 commercially.

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RESPONSE TO INTERROGATORY NO. 12:

Boston Scientific objects to this interrogatory to the extent it seeks information protected by the attorney-client privilege, work product doctrine, and/or any other applicable privilege or immunity. Boston Scientific further objects to this interrogatory as containing multiple subparts. Boston Scientific further objects to this interrogatory to the extent it seeks information not relevant to any party’s claim or defense or not proportional to the needs of the case.

Subject to the foregoing General and Specific Objections, Boston Scientific responds as follows. Boston Scientific believes that the “cam actuated stent crimper” shown in Figure 1 and described in col.1, line 62 through col.2, line 21 of the ’560 patent is a device, also referred to as the “STAR crimper,” which was developed by Boston Scientific and constructed in Boston Scientific’s Galway, Ireland facility. The person most knowledgeable about the device is Jan Weber, a Senior Research Fellow at Boston Scientific based in the Netherlands.



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