

September 30, 2016

**VIA E-MAIL**

Brian Horne  
Knobbe, Martens, Olson & Bear, LLP  
10100 Santa Monica Blvd. Suite 1600  
Los Angeles, CA 90067

Re: *Boston Scientific Corp. et. al. v. Edwards Lifesciences Corporation*, Case  
No. 8:16-CV-0073-CJC-GJS (C.D. Cal.)

Dear Brian:

I write in response to your letters of September 8 and 13, 2016 regarding Boston Scientific's products and/or Boston Scientific's interrogatory responses.

**Boston Scientific's Products**

Edwards seeks two samples of over 30 Boston Scientific's products. For the Star Crimper product, Edwards has already inspected it.

However, Edwards has not established a sufficient basis to justify its request for samples of the remaining products. The simple fact that Boston Scientific sells (or uses) or has sold (or used) these products does not make these products relevant to this action. Indeed, courts have denied discovery of the patentee's products because they are "not relevant to any party's claim or defense pursuant to Fed. R. Civ. P. 26(b)(1)" and "are not considered in a patent infringement analysis." *See, e.g., V. Mane Fils S.A. v. Intl. Flavors & Fragrances Inc.*, 06-2304 FLW, 2008 WL 4606313, at \*4 (D.N.J. Oct. 16, 2008). Further, while its investigation is on-going, Boston Scientific does not currently have reason to believe that any of the specific products identified by Edwards are covered by any asserted claim of the patents-in-suit. To the extent that Edwards continues to believe that these products are somehow relevant in this action, please set forth a particularized explanation, on a product-by-product basis, for their relevance here and identify the legal authority in support of its positions.

Edwards Lifesciences v. Boston Scientific Scimed U.S. Patent No. 6,915,560 IPR2017-00072 EX. 2012
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Brian Horne  
September 30, 2016  
Page 2

**Boston Scientific's August 4, 2016 Interrogatory Responses**

For the reasons set forth below, Boston Scientific disagrees with your characterization of its August 4, 2016 interrogatory responses as inadequate, deficient, or incomplete.

**Edwards's Interrogatory No. 1**

Subject to its general and specific objections, Boston Scientific has identified the factual basis in asserting infringement of the patents-in-suit. While Edwards may disagree with Boston Scientific's infringement allegations, an interrogatory is not a mechanism to resolve the parties' disputes on the merits.

Discovery in this action is on-going. As indicated in my letter of September 13, Boston Scientific will amend its response following meaningful production of documents and samples by Edwards and supplementation of Edwards's interrogatory responses. Your demand, however, that Boston Scientific amend its discovery responses "within 30 days of Edwards providing samples of the accused products" is unjustified.

**Edwards's Interrogatory No. 8**

Boston Scientific disagrees that its response to Interrogatory No. 8 is deficient. Boston Scientific is currently investigating whether its products fall within the scope of patents-in-suit and will supplement its response following that investigation.

**Edwards's Interrogatory No. 9**

Boston Scientific disagrees that its response to Interrogatory No. 9 is deficient. As your letter acknowledges, discovery is in its early stages. In particular, expert discovery has yet to commence. Boston Scientific will supplement its response as discovery progresses.

**Edwards's Interrogatory No. 10**

Boston Scientific disagrees that its response to Interrogatory No. 10 is deficient. Boston Scientific is currently investigating information responsive to this interrogatory and will supplement its response following that investigation.

Brian Horne  
September 30, 2016  
Page 3

**Edwards's Interrogatory No. 11**

Boston Scientific disagrees that its response to Interrogatory No. 11 is incomplete. Boston Scientific is currently investigating information responsive to this interrogatory and will supplement its response following that investigation.

**Edwards's Interrogatory No. 12**

Boston Scientific will supplement its response to Interrogatory No. 12 to set forth that the Star Crimper was not sold commercially.

Finally, with respect to the chart for the '560 patent (Ex. E), the "movable dies" label in [1a] was inadvertently misplaced. Please refer to the label indicating the "movable dies" in [1c] and throughout the remainder of the chart (*see, e.g.*, [10a], [10f], [18a], [37a], [40a], [40c], and [40d]).

In the event that Edwards believes a conference of counsel is necessary regarding the above issues, Boston Scientific is available next week.

Sincerely,

/s/ Wallace Wu  
Wallace Wu