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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

SOUTHERN DIVISION

BOSTON SCIENTIFIC CORPORATION and BOSTON SCIENTIFIC SCIMED, INC. Plaintiffs, v. EDWARDS LIFESCIENCES CORPORATION, Defendant.	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**

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

PRELIMINARY STATEMENT

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

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

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

GENERAL OBJECTIONS

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

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

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

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

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

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

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 that the term "activities" as used in this interrogatory is vague, ambiguous, and/or overly broad to the extent it is not limited to the accused products set forth in response to Interrogatory No. 1 above. Boston Scientific further objects to this integratory as overly broad, burdensome, and disproportional to the needs of the case to the extent it seeks "*each* person at Boston Scientific who first became aware of such activities."

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

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

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

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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