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| 11 | | | | |
| 12 | Attorneys for Plaintiffs | | | |
| 13 | UNITED STATES DISTRICT COURT | | | |
| 14 | CENTRAL DISTRICT OF CALIFORNIA | | | |
| 15 | SOUTHERN DIVISION | | | |
| 16 | - | 1 | | |
| 17 | BOSTON SCIENTIFIC CORPORATION and | Case No. 8:16-cv-0730-CJC-GJS | | |
| 18 | BOSTON SCIENTIFIC SCIMED, INC. | BOSTON SCIENTIFIC CORPORATION'S AND BOSTON | | |
| 19 | Plaintiffs, | SCIENTIFIC SCIMED, INC.'S SUPPLEMENTAL OBJECTIONS | | |
| 20 | v. | AND RESPONSES TO EDWARDS'S INTERROGATORY | | |
| 21 | ··· | NOS. 1-16 | | |
| 22 | EDWARDS LIFESCIENCES CORPORATION, | | | |
| 23 | CORPORATION, | | | |
| 24 | Defendant. | | | |
| 25 | Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiffs | | | |
| 26 | Boston Scientific Corporation and Boston Scientific Scimed, Inc. (collectively, | | | |
| 27 | "Boston Scientific") hereby serves these supplemental objections and response to | | | |
| 28 | Interrogatory Nos. 1-16 served by Edwards Lifesciences Corporation ("Edwards"). | | | |
| 20 | Edwards Lifesciences v. | Roston Scientific | | |
| | i Edwards Lifesciences v. | DUSIUM ԾԱՄՈԱՄԵՐ 1 | | |



NOS. 1-16

U.S. Patent No. 6,915,560

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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 Interrogatory Nos. 1-16 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 responses 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.

- 1 -

PLAINTIFFS' SUPP. RESPONSE TO INTERROGATORY NOS. 1-16



GENERAL OBJECTIONS

The General Objections set forth in Boston Scientific's Second Supplemental Objections and Responses to the Interrogatories Nos. 13 and 14, served on July 19, 2017, are incorporated into the supplemental response provided below as if fully set forth therein.

SPECIFIC RESPONSES AND OBJECTIONS

INTERROGATORY NO. 1: For each Accused Product, describe in detail, on a limitation-by-limitation basis (*e.g.*, in the form of a claim chart), all factual and legal bases for Your contention that the Patents-In-Suit are infringed either literally or under the doctrine of equivalents.

RESPONSE TO INTERROGATORY NO. 1:

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 as premature because (1) Edwards has not provided any information, documents, or physical samples relating to any of the accused products, (2) Edwards has not proposed any claim construction, (3) the Court has not construed any claim terms, and (4) expert discovery has not yet begun.

Subject to the foregoing general and specific objections, Boston Scientific responds as follows.

Boston Scientific contends that Edwards has directly infringed, and continues to directly infringe, at least the patent claims identified in Table I below in violation of 35 U.S.C. § 271(a), by making, using, offering to sell, and/or selling in the United States, and/or importing into the United States certain catheter products or crimpers, used in Sapien, Sapien XT, and Sapien 3 products, for example and without limitation, the products (and representative models and versions thereof) identified in Table II below.

- 2 -

PLAINTIFFS' SUPP. RESPONSE TO INTERROGATORY NOS. 1-16



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Table I Asserted Claims Of The Patents-In-Suit

| Patents-In-Suit | Asserted Claims | | | | |
|-------------------------------------|--|--|--|--|--|
| 6,007,543 (the '543 patent) (Ex. A) | 1-3, 6-12, 19-21, 24-29 | | | | |
| 6,203,558 (the '558 patent) (Ex. B) | 1-2, 9, 14, 20-22 | | | | |
| 6,371,962 (the '962 patent) (Ex. C) | 1-3, 6-13, 20-22, 25-30, 35-36 | | | | |
| 6,712,827 (the '827 patent) (Ex. D) | 1-3, 5-20 | | | | |
| 6,915,560 (the '560 patent) (Ex. E) | 1-2, 6, 8-11, 14-15, 17-19, 23, 25-28, 31, | | | | |
| | 33-35, 37, 40 | | | | |
| 7,749,234 (the '234 patent) (Ex. F) | 1-3, 5-8, 13, 15, 18-20 | | | | |
| 7,828,767 (the '767 patent) (Ex. G) | 5-6, 9-12 | | | | |
| 8,709,062 (the '062 patent) (Ex. H) | 1-26 | | | | |

Table II Accused Products, Their Exemplary Models/Version, And Asserted Claims

| Accused Products | Exemplary | Asserted Claims |
|-------------------------|----------------------|--------------------------------------|
| | Models/Versions | |
| Commander | 9600LDS20, | '543 patent: 1-2, 6-8, 11-12, 19-20, |
| Delivery System | 9600LDS23, | 24-25, 28-29 |
| | 9600LDS26, | |
| | 9600LDS29, | '558 patent: 1-2, 9, 14, 20-22 |
| | 9610TF23, | |
| | 9610TF26, | '962 patent: 1-2, 6-8, 11-13, 20-21, |
| | 9610TF29 | 25-26, 29-30, 35-36 |
| | | |
| | | '827 patent: 1-2, 5-14, 16-18, 20 |
| | | |
| | | '234 patent: 1-3, 5-8, 13, 15, 18-20 |
| | | |
| | | '767 patent: 5-6, 9-12 |
| | | |
| | | '062 patent: 1-26 |
| Ascendra Delivery | Ascendra+: 9355AS23, | '962 patent: 1-3, 8, 11-13, 20-22, |
| System (or Balloon | 9355AS26, 9355AS29 | 29-30, 35-36 |
| Catheter) | | |
| | Ascendra: | '827 patent: 1-3, 13-14, 16-20 |
| | 9120BCL23, | |
| | 9120BCL26, | '767 patent: 5-6, 9-12 |
| | 9100BCL23, | |
| | 9100BCL26 | '062 patent: 1-12 |
| Certitude Delivery | 9620TA23, 9620TA26, | '543 patent: 1-3, 8-12, 19-21, 26- |

- 3 -

PLAINTIFFS' SUPP. RESPONSE TO INTERROGATORY NOS. 1-16



| 1 | System | 9620TA29 | 29 |
|-----|--|------------------------|---|
| 2 | | | '962 patent: 1-3, 8-13, 20-22, 27- |
| 3 | | | 30, 35-36 |
| 4 | | | '827 patent: 1-3, 13-20 |
| 5 | | | 627 patent. 1-3, 13-20 |
| 6 | | | '767 patent: 5-6, 9-12 |
| 7 | | | '062 patent: 1-12 |
| 8 | NovaFlex Delivery | NovaFlex+: 9355FS20, | '543 patent: 1-3, 8, 11-12, 19-21, |
| ٥ | System | 9355FS23, 9355FS26, | 28-29 |
| 9 | | 9355FS29 | |
| 10 | | | '962 patent: 1-3, 8, 11-13, 20-22, |
| | | NovaFlex: 9350FS23, | 29-30, 35-36 |
| 11 | | 9350FS26 | 1007 |
| 12 | | | '827 patent: 1-3, 13-14, 16-20 |
| 13 | | | '767 patent: 5-6, 9-12 |
| 14 | | | '062 notanti 1 12 |
| 15 | RetroFlex Delivery | RetroFlex 3: 9120FS23, | '062 patent: 1-12 '543 patent: 1-3, 8, 11-12, 19-21, |
| | System (or Balloon | 9120FS26 | 28-29 |
| 16 | Catheter) | 71201520 | 20 2) |
| 17 | | RetroFlex II: | '962 patent: 1-3, 8, 11-13, 20-22, |
| 18 | | 9100HDSLT23, | 29-30, 35-36 |
| | | 9100HDSLT26 | |
| 19 | | | '827 patent: 1-3, 13-14, 16-20 |
| 20 | | RetroFlex: 9120BC20, | 2767 |
| 21 | | 9120BC23 | '767 patent: 5-6, 9-12 |
| 22 | | | '062 patent: 1-12 |
| | Edwards Crimper | 9100CR23, 9100CR26, | '560 patent: 1-2, 6, 8-11, 14-15, |
| 23 | | 9340CR23, 9340CR26, | 17-19, 23, 25-28, 31, 33-35, 37, 40 |
| 24 | | 9350CR, 9600CR | |
| ~ ~ | The claim charts attached herein as Exhibits A-H identify where each | | |

The claim charts attached herein as Exhibits A-H identify where each limitation of the asserted claims of the Patents-In-Suit is found within one or more accused products. Boston Scientific contends that each element of each asserted claim is literally present in the accused products unless otherwise indicated. But to

- 4 -

PLAINTIFFS' SUPP. RESPONSE TO INTERROGATORY NOS. 1-16



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DOCKET

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