

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTUITIVE SURGICAL, INC.,
Petitioner,

v.

ETHICON LLC,
Patent Owner.

IPR2018-00934
U.S. Patent No. 8,998,058

**PATENT OWNER'S REPLY IN SUPPORT OF ITS CONTINGENT
MOTION TO AMEND UNDER 37 C.F.R. § 42.121**

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TABLE OF AUTHORITIES

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Cases

Metalcraft of Mayville, Inc. v. The Toro Company,
848 F.3d 1358, 1367 (Fed. Cir. 2017).....8

Other Authorities

37 C.F.R. § 42.24(a).....13
37 C.F.R. § 42.24(d)13
37 C.F.R. § 42.12113, 14

LIST OF EXHIBITS

Exhibit	Description
Ex. 2001	U.S. Patent No. 5,964,394 (“Robertson”)
Ex. 2002	U.S. Patent No. 6,231,565 (“Tovey”)
Ex. 2003	Excerpts from Technology Tutorial filed in <i>Ethicon LLC, et al. v. Intuitive Surgical, Inc., et al.</i> , C.A. No. 17-871 (LPS)(CJB) (District of Delaware).
Ex. 2004	Statutory Disclaimer
Ex. 2005	Reserved
Ex. 2006	Declaration of Dr. William Cimino
Ex. 2007	Deposition of Gregory Fischer, Ph. D., Volume 1 (February 18, 2019)
Ex. 2008	Deposition of Gregory Fischer, Ph. D., Volume 2 (February 20, 2019)
Ex. 2009	Reserved
Ex. 2010	U.S. Pat. App. Pub. 2009/0206136 A1 (application publication of U.S. Appl. No. 12/031,628) (“the 628 Application”)
Ex. 2011	Reserved
Ex. 2012	Robert Glasgow et al., <i>The Benefits of a Dedicated Minimally Invasive Surgery Program to Academic General Surgery Practice</i> , Journal of Gastrointestinal Surgery, 869-73 (Nov. 2004)
Ex. 2013	U.S. Patent Application No. 2014/0252067 A1 (application publication of U.S. Appl. No. 14/282,494 (“the 494 Application”))

Exhibit	Description
Ex. 2014	Supplemental Declaration of Dr. William Cimino
Ex. 2015	Excerpts of American Heritage College Dictionary 3d (1993)
Ex. 2016	Deposition Transcript of Dr. Gregory Fischer (July 11, 2019)

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