

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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INTUITIVE SURGICAL, INC.

Petitioner

v.

ETHICON LLC

Patent Owner

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Case IPR2018-01247  
U.S. Patent No. 8,479,969

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**PETITIONER'S OBJECTIONS TO EVIDENCE**

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner, Intuitive Surgical, Inc.

(“Petitioner”), hereby submits its notice of objections to certain evidence that Patent Owner, Ethicon LLC (“Patent Owner”), submitted with its Patent Owner’s Sur-Reply dated August 19, 2019, in connection with IPR2018-01247.

Petitioner objects to Exhibit No. 2023 (“Defendants’ Opening Claim Construction Brief, Ethicon v. Intuitive Surgical, Inc., C.A. 17-871, D.I. 116 (D. Del. June 28, 2018”), Exhibit 2024 (“Defendants’ Responsive Claim Construction Brief, Ethicon v. Intuitive Surgical, Inc., C.A. 17-871, D.I. 127 (D. Del. Aug. 1, 2018)”) and Exhibit 2027 (“Notice of Waiver of Appeal Regarding the Court’s Order Invalidating the January 2018 Certificate of Correction Relating to U.S. Patent No. 8,479,969, Ethicon v. Intuitive Surgical, Inc., C.A. 17-871, D.I. 311 (D. Del.)”). The bases for objecting to these exhibits is under Rules 402/403 and that they were filed untimely and without prior Board authorization.

Respectfully submitted,

Dated: August 23, 2019

/Steven R. Katz/

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### **CERTIFICATE OF SERVICE**

Pursuant to 37 CFR §§ 42.6(e)(1) and 42.6(e)(4)(iii), the undersigned certifies that on August 23, 2019, a complete and entire copy of this Petitioner's Objections to Evidence was provided via email to the Patent Owner by serving the email correspondence addresses of record as follows

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