

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MEDTRONIC, INC., AND MEDTRONIC VASCULAR, INC.,
Petitioner,

v.

TELEFLEX INNOVATIONS S.À.R.L.,
Patent Owner.

Case IPR2020-00130
Patent RE 45,380

**PETITIONERS' OBJECTIONS UNDER 37 C.F.R. § 42.64 TO PATENT
OWNER'S PRE-INSTITUTION EVIDENCE**

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioners Medtronic, Inc., and Medtronic Vascular, Inc. (“Medtronic”), hereby submit the following objections to certain evidence filed by Patent Owner Teleflex Innovations S.À.R.L (“Teleflex”) in conjunction with its Patent Owner Preliminary Response.

I. Exhibits 2043 & 2044: Declarations of Amy Welch

Medtronic has yet to cross-examine Ms. Welch, but intends to do so in advance of DUE DATE 2. Medtronic therefore reserves the right to move to exclude Exhibits 2043 and 2044 and/or any testimony therein on the bases of FRE 401/402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing, waste of time), FRE 602 (lack of personal knowledge), FRE 701 (opinion by lay witness), and FRE 702/703 (insufficient support for expert testimony). Further, Medtronic objects to Exhibits 2043 and 2044 under FRE 106 (completeness) and FRE 1002 (requirement for original). In addition, Medtronic objects to Exhibits 2043 and 2044 under FRE 802 (hearsay) to the extent Medtronic does not have the opportunity to cross-examine Ms. Welch regarding her declarations.

II. Exhibit 2046: Declaration of Howard Root

Medtronic has yet to cross-examine Mr. Root, but intends to do so in advance of DUE DATE 2. Medtronic therefore reserves the right to move to exclude Exhibit 2046 and/or any testimony therein on the bases of FRE 401/402

IPR2020-00130
Patent RE 45,380

(relevance), FRE 403 (probative value outweighed by prejudice, confusing, waste of time), FRE 602 (lack of personal knowledge), FRE 701 (opinion by lay witness), and FRE 702/703 (insufficient support for expert testimony). In addition, Medtronic objects to Exhibit 2046 under FRE 802 (hearsay) to the extent Medtronic does not have the opportunity to cross-examine Mr. Root regarding his declaration.

III. Exhibits 2048-2051, 2053-2054, 2059, 2081: Litigation Documents

Medtronic objects under FRE 106 (completeness), FRE 401/402 (relevance), and/or FRE 403 (probative value outweighed by prejudice, confusing, waste of time).

IV. Exhibit 2055: Surface Article

Medtronic objects under FRE 106 (completeness), FRE 401/402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing, waste of time), FRE 802 (hearsay), FRE 901 (authenticity), and FRE 1002 (requirement for original).

V. Exhibits 2056, 2072, 2080: Expert Report/Declaration/Deposition Transcript of Peter T. Keith

Medtronic has yet to cross-examine Mr. Keith, but intends to do so in advance of DUE DATE 2. Medtronic therefore reserves the right to move to exclude Exhibits 2056, 2072, and 2080 and/or any testimony therein on the bases of FRE 401/402 (relevance), FRE 403 (probative value outweighed by prejudice,

IPR2020-00130
Patent RE 45,380

confusing, waste of time), FRE 602 (lack of personal knowledge), FRE 701 (opinion by lay witness), and FRE 702/703 (insufficient support for expert testimony). In addition, Medtronic objects to Exhibits 2056, 2072, and 2080 under FRE 802 (hearsay) to the extent Medtronic does not have the opportunity to cross-examine Mr. Keith regarding his expert report/declaration/transcript.

VI. Exhibits 2057 & 2060: Teleflex Website

Medtronic objects under FRE 106 (completeness), FRE 401/402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing, waste of time), hearsay (FRE 802), and FRE 901 (authenticity).

VII. Exhibits 2058, 2061-2063, 2065-2067: Teleflex Company Documents

Medtronic objects under FRE 106 (completeness), FRE 401/402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing, waste of time), FRE 802 (hearsay), FRE 901 (authenticity), and FRE 1002 (requirement for original).

VIII. Exhibits 2069 & 2071: Exhibits to Complaint

Medtronic objects under FRE 106 (completeness), FRE 401/402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing, waste of time), and hearsay (FRE 802).

IPR2020-00130
Patent RE 45,380

IX. Exhibit 2070: Guide Catheters

Medtronic objects under FRE 106 (completeness), FRE 401/402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing, waste of time), hearsay (FRE 802), FRE 901 (authenticity), and FRE 1002 (requirement for original).

X. Exhibit 2073: Declaration of Alexander S. Rinn

Medtronic has yet to cross-examine Mr. Rinn, but intends to do so in advance of DUE DATE 2. Medtronic therefore reserves the right to move to exclude Exhibit 2073 and/or any testimony therein on the bases of FRE 602 (lack of personal knowledge), FRE 401/402 (relevance), and FRE 403 (probative value outweighed by prejudice, confusing, waste of time). In addition, Medtronic objects to Exhibit 2073 under FRE 802 (hearsay) to the extent Medtronic does not have the opportunity to cross-examine Mr. Rinn regarding his declaration.

Dated: July 13, 2020

Respectfully submitted,

/Cyrus A. Morton/

Cyrus A. Morton
Reg. No. 44,954
Robins Kaplan LLP
2800 LaSalle Plaza
800 LaSalle Avenue
Minneapolis, MN 55402
Attorney for Patent Owner

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.