

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Vascular Solutions LLC et al.,

Court File No. 0:19-cv-01760 (PJS/TNL)

Plaintiffs,

v.

Medtronic, Inc. et al.,

Defendants.

**DEFENDANTS' REQUESTS FOR
PRODUCTION OF DOCUMENTS
CONCERNING PRELIMINARY
INJUNCTION ISSUES**

TO: Plaintiffs and their attorneys of record, J. Derek Vandenburg, Tara C. Norgard, Joseph W. Winkels, Alexander S. Rinn, and Shelleaha L. Jonas, Carlson, Caspers, Vandenburg, & Lindquist, P.A., 225 South Sixth Street, Suite 4200, Minneapolis, MN 55402.

DEFINITIONS AND INSTRUCTIONS

1. "Teleflex," "Plaintiffs," "you," and "your" means Plaintiffs Vascular Solutions LLC, Teleflex Innovations S.à r.l., Arrow International, Inc., and Teleflex LLC, individually and collectively, their predecessor and successor companies, affiliates, parents, any partnership or joint venture to which they may be a party, and each of their employees, agents, officers, directors, representatives, consultants, accountants, and attorneys, including any person who served in any of these capacities during any relevant time period.
2. Defendants Medtronic, Inc. and Medtronic Vascular, Inc. are collectively referred to herein as "Medtronic."
3. "Document" is synonymous in meaning and equal in scope to its usage in

Rule 34(a)(1)(A) of the Federal Rules of Civil Procedure, which states “any designated Documents or electronically stored information-including writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations stored in any medium from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form.” The term “Document” refers to any Document now or at any time in Teleflex’s possession, custody, or control. A person is deemed in control of a Document if the person has any ownership, possession, or custody of the Document, or the right to secure the Document or a copy thereof from any person or public or private entity having physical possession thereof.

4. “Patents-in-Suit” means U.S. Patent Nos. 8,048,032 (the “’032 patent”), RE45,380 (the “’380 patent”), RE45,776 (the “’776 patent”), RE47,379 (the “’379 patent”), and RE45,760 (the “’760 patent”).

5. “Claims-in-Suit” means each claim in the Patents-in-Suit that Teleflex contends or may contend that Medtronic has infringed or is infringing.

6. “Telescope” means all versions of Medtronic’s Telescope™ Guide Extension Catheter.

7. “GuideLiner” means all versions of Teleflex’s GuideLiner catheter.

8. “Boston Scientific” means third-party Boston Scientific Corporation.

9. “QXMédical” means third-party QXMédical, LLC.

10. “Complaint” means Teleflex’s Complaint in the above entitled action and any subsequent amendment thereto.

11. “Interventional Cardiology Market” means the market for interventional cardiology devices that includes, but is not limited to, catheters, stents, valves, balloons, guidewires, and other cardiac interventional instruments.

12. “Prior Art” means all Documents, information, acts, or things that qualify as prior art under any subsection of 35 U.S.C. §§ 102 and 103, including all systems, methods, apparatus, publications, patents, or uses.

13. “Person” means any natural person or any legal entity, including, but not limited to, any business or governmental entity, organization, or association.

14. “Relate” or “Relating to” means consisting of, referring to, reflecting, concerning, or being in any way logically or factually connected with the matter discussed.

15. “Communication” means the transmission of information in any form, including without limitation, written, oral, or electronic transmissions.

16. If any document was, but is no longer, in your possession or subject to your control, state whether it: (a) is missing or lost; (b) has been destroyed; (c) has been transferred, voluntarily or involuntarily, to others; or (d) has been otherwise disposed of; and (e) in each instance, explain the circumstances surrounding any authorization for such disposition and state the date or approximate date thereof.

17. All Documents are to be produced as kept in the usual course of business with any identifying labels, file markings, or similar identifying features, or shall be organized and labeled to correspond to the categories requested herein. If there are no Documents in response to a particular request or if you withhold any responsive

Documents or categories of Documents based on any objections, you shall state so in writing.

18. Electronically stored information (“ESI”) must be produced pursuant to any protocol for the production of ESI entered by the Court and/or agreed to by the parties.

19. These Requests call for the production of all responsive Documents in your possession, custody, or control, or in the possession, custody, or control of your employees, predecessors, successors, parents, subsidiaries, divisions, affiliates, partners, joint venturers, brokers, accountants, financial advisors, representatives, and agents or other persons acting on your behalf, without regard to the physical location of those Documents.

20. In responding to these Requests, include Documents obtained on your behalf by your counsel, employees, agents, or any other persons acting on your behalf. If your response is that the Documents are not within your possession or custody, describe in detail the unsuccessful efforts you made to locate each Document. If your response is that Documents are not under your control, identify who has the control and the location of the Documents.

21. Unless the context requires otherwise, use of the singular shall include the plural, and the present tense shall include the past tense, and vice versa. Likewise, the terms “any” or “each” should be understood to encompass “all,” and “or” should be understood to include and encompass “and,” and vice versa.

22. To the extent there are terms in these requests that have not been specifically defined and that you contend are in any manner vague and/or ambiguous,

please give those terms their ordinary meaning as you understand them and provide Medtronic with the given ordinary meaning.

23. Each Request contemplates production of all Documents in their entirety. If only a portion of a Document is responsive to one or more Requests, the Document shall be produced in its entirety.

24. If any Document is withheld in whole or in part for any reason including, without limitation, a claim of privilege or work product, set out separately for each Document:

- (a) the nature of the privilege or protection claimed;
- (b) each and every basis under which the Document is withheld;
- (c) the type of Document;
- (d) its general subject matter;
- (e) the Document's date; and
- (f) other information sufficient to enable a full assessment of the applicability of the privilege or protection claims, as required by Rule 26(b)(5) of the Federal Rules of Civil Procedure.

25. To the extent you assert that a Document contains information that should be protected from disclosure (based on the attorney-client privilege, work product doctrine, or another protection) and non-privileged information, the non-privileged portions of the Document must be produced. Each Document withheld from production must be listed on a privilege and/or redaction log.

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