

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 IPR2020-00135
Patent RE45,776

**PETITIONERS' OBJECTIONS UNDER 37 C.F.R. § 42.64 TO PATENT
OWNER'S POST-INSTITUTION EVIDENCE FILED OCTOBER 1, 2020**

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioners Medtronic, Inc., and Medtronic Vascular, Inc., (“Medtronic”) submit the following objections to certain post-institution evidence filed by Patent Owner Teleflex Innovations S.À.R.L (“Teleflex”) on October 1, 2020.

Medtronic renews and incorporates its objections to Patent Owner’s pre-institution evidence and its objections to Patent Owner’s post-institution evidence filed on September 24, 2020.

I. Exhibit 2138: Declaration of Peter T. Keith

Medtronic has yet to cross-examine Mr. Keith, but it intends to do so before DUE DATE 2. Medtronic therefore reserves the right to move to exclude Exhibit 2138 and/or any testimony therein based on 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). In addition, Medtronic objects to Exhibit 2138 under FRE 802 (hearsay) to the extent that Medtronic does not have the opportunity to cross-examine Mr. Keith regarding his declaration.

II. Exhibits 2139-2144, 2155-2165, 2167, 2168, 2170, 2172-2194, 2213: GuideLiner Documents, Articles, and other Exhibits Cited in the Declaration of Peter T. Keith

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).

III. Exhibit 2145: Declaration of Dr. John J. Graham

Medtronic has yet to cross-examine Dr. Graham, but it intends to do so before DUE DATE 2. Medtronic therefore reserves the right to move to exclude Exhibit 2145 and/or any testimony therein based on 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). In addition, Medtronic objects to Exhibit 2145 under FRE 802 (hearsay) to the extent that Medtronic does not have the opportunity to cross-examine Dr. Graham regarding his declaration.

IV. Exhibits 2146-2150, 2166, 2169, 2171: Exhibits Cited in the Declaration of Dr. John J. Graham

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. Exhibit 2151: Declaration of Dr. Lorenzo Azzalini

Medtronic has yet to cross-examine Dr. Azzalini, but it intends to do so before DUE DATE 2. Medtronic therefore reserves the right to move to exclude Exhibit 2151 and/or any testimony therein based on 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). In addition, Medtronic objects to Exhibit 2151 under FRE 802 (hearsay) to the extent that Medtronic does not have the opportunity to cross-examine Dr. Azzalini regarding his declaration.

VI. Exhibit 2215: Declarations of Dr. Craig Thompson

Medtronic has yet to cross-examine Dr. Thompson, but it intends to do so before DUE DATE 2. Medtronic therefore reserves the right to move to exclude Exhibit 2215 and/or any testimony therein based on 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). In addition, Medtronic objects to Exhibit 2215 under FRE 802 (hearsay) to the extent that Medtronic does not have the opportunity to cross-examine Dr. Thompson regarding his declaration.

VII. Exhibits 2197, 2198, 2201, 2202, 2204: Medtronic Documents

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

VIII. Exhibits 2196, 2200, 2210, 2211, 2214: Third-Party 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).

IX. Exhibits 2135, 2136, 2203, 2208, 2209: Miscellaneous 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).

X. Exhibit 2212: U.S. Patent No. 5,290,247

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

Dated: October 8, 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.