

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MEDTRONIC, INC., AND MEDTRONIC VASCULAR, INC.
Petitioners,

v.

TELEFLEX INNOVATIONS S.A.R.L.
Patent Owner.

Case IPR2020-00136
Patent RE 45,776

**PATENT OWNER'S OBJECTIONS TO PETITIONER'S REPLY
EVIDENCE**

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner hereby submits its notice of objections to certain evidence that Petitioner submitted in connection with IPR2020-00126, -0127, -0128, -0129, -0130, -0132, -0134, -0135, -0136, -0137, and -0138, including evidence submitted in connection with Petitioner's briefing relating to conception and reduction to practice.

Patent Owner notes that certain exhibits were cited in one or more of the above-referenced IPR proceedings but do not appear to have been filed (either at all or only in some of the IPRs); Patent Owner reserves the right to file supplemental and/or additional objections and/or move to strike those exhibits.¹ Given the apparent omission of certain exhibits from certain IPRs, for the sake of consistency and clarity, Patent Owner submits the below single set of objections.

In addition, the depositions of Patent Owner's experts Mr. Keith and Dr. Graham in the eleven instituted IPRs each occurred over two days. It appears that Petitioner only filed certain days of deposition transcripts in certain IPRs and not in others. As noted below, Patent Owner objects to this practice on the basis of incompleteness (see FRE 106). In addition, the parties' practice in these IPRs has been to file deposition transcripts in each of the eleven instituted IPRs, and Petitioner had represented it intended to do so.

¹ By way of example, it appears that Petitioner cited but did not file Ex-1839, Ex-1840, and Ex-1841.

Exhibit Number	Objections
1108/1308/1708	<p>FRE 401, 402, 403: Portions of this document are not relevant. To the extent this document is relevant, the probative value of certain portions is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay, wasting time, or needlessly presenting cumulative evidence, and therefore those portions are inadmissible under Rule 403. Patent Owner reasserts and reserves all of its objections under 37 C.F.R. § 42.64(a) made during the June 20, 2018 deposition of Greg Sutton.</p> <p>FRE 802: This document is hearsay.</p>
1114/1314/1714	<p>FRE 401, 402, 403: Portions of this document are not relevant. To the extent this document is relevant, the probative value of certain portions is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay, wasting time, or needlessly presenting cumulative evidence, and therefore those portions are inadmissible under Rule 403. Patent Owner reasserts and reserves all of its objections under 37 C.F.R. § 42.64(a) made during the June 27, 2013 deposition of Howard Root.</p>
1115	<p>FRE 401, 402, 403: Portions of this document are not relevant. To the extent this document is relevant, the probative value of certain portions is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay, wasting time, or needlessly presenting cumulative evidence, and therefore those portions are inadmissible under Rule 403. Patent Owner reasserts and reserves all of its objections under 37 C.F.R. § 42.64(a) made during the June 15, 2018 deposition of Howard Root.</p> <p>FRE 802: This document is hearsay.</p>

1116	FRE 401, 402, 403: This document is not relevant. To the extent this document is relevant, its probative value is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay, wasting time, or needlessly presenting cumulative evidence, and therefore the document is inadmissible under Rule 403.
1122	FRE 401, 402, 403: This document is not relevant. To the extent this document is relevant, its probative value is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay, wasting time, or needlessly presenting cumulative evidence, and therefore the document is inadmissible under Rule 403.
1123	FRE 401, 402, 403: This document is not relevant. To the extent this document is relevant, its probative value is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay, wasting time, or needlessly presenting cumulative evidence, and therefore the document is inadmissible under Rule 403.
1800	<p>FRE 106: Patent Owner objects to the filing of only Day 2 of the transcript, when in fairness Day 1 of the transcript ought to be considered at the same time.</p> <p>FRE 401, 402, 403: Portions of this document are not relevant. To the extent this document is relevant, the probative value of certain portions is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay, wasting time, or needlessly presenting cumulative evidence, and therefore those portions are inadmissible under Rule 403. Patent Owner reasserts and reserves all of its objections under 37 C.F.R. § 42.64(a) made during the November 24, 2020 deposition of Peter Keith.</p>
1801	FRE 106: Patent Owner objects to the filing of only Day 2 of the transcript, when in fairness Day 1 of the transcript ought to be considered at the same time.

	<p>FRE 401, 402, 403: Portions of this document are not relevant. To the extent this document is relevant, the probative value of certain portions is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay, wasting time, or needlessly presenting cumulative evidence, and therefore those portions are inadmissible under Rule 403. Patent Owner reasserts and reserves all of its objections under 37 C.F.R. § 42.64(a) made during the November 19, 2020 deposition of John J. Graham.</p>
<p>1802</p>	<p>FRE 106: Patent Owner reserves the right to introduce all or any portion of the cited reference that in fairness ought to be considered at the same time.</p> <p>FRE 401, 402, 403: This document is not relevant. To the extent this document is relevant, its probative value is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay, wasting time, or needlessly presenting cumulative evidence, and therefore the document is inadmissible under Rule 403.</p> <p>FRE 802: This document is hearsay.</p> <p>FRE 901, 902: This document has not been authenticated.</p> <p>35 U.S.C. § 311: This document does not qualify as a printed publication.</p>
<p>1803</p>	<p>FRE 401, 402, 403: This document is not relevant. To the extent this document is relevant, its probative value is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay, wasting time, or needlessly presenting cumulative evidence, and therefore the document is inadmissible under Rule 403.</p>

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