

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 IPR2020-00136
Patent RE 45,776

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

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 September 24, 2020.

Medtronic renews and incorporates its objections to Patent Owner’s pre-institution evidence.

I. Exhibit 2124: Declaration of Peter 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 2124 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 2124 under FRE 802 (hearsay) to the extent that Medtronic does not have the opportunity to cross-examine Mr. Keith regarding his declaration.

II. Exhibits 2085, 2086: Ressemann Deposition Exhibits

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

III. *Exhibit 2116: Deposition Transcript of Stephen J.D. Brecker, M.D.*

Medtronic objects to Exhibit 2116 under FRE 401/402 (relevance) and FRE 403 (probative value outweighed by prejudice, confusing, waste of time).

Medtronic reasserts and reserves all of its objections under 37 C.F.R. § 42.64(a) made during the August 11, 2020 and September 14, 2020 depositions of Stephen J.D. Brecker, M.D.

IV. *Exhibit 2137: Deposition Transcript of Richard A. Hillstead, Ph.D.*

Medtronic objects to Exhibit 2137 under FRE 401/402 (relevance) and FRE 403 (probative value outweighed by prejudice, confusing, waste of time).

Medtronic reasserts and reserves all of its objections under 37 C.F.R. § 42.64(a) made during the September 11, 2020 and September 15, 2020 depositions of Richard A. Hillstead, Ph.D.

Dated: October 1, 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 Petitioner

IPR2020-00136
Patent RE 45,776

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e)(4), the undersigned certifies that on October 1, 2020, a copy of PETITIONERS' OBJECTIONS UNDER 37 C.F.R. § 42.64 TO PATENT OWNER'S POST-INSTITUTION EVIDENCE was served in its entirety by electronic mail on Patent Owner's counsel at the following addresses indicated in Patent Owner's Mandatory Notices:

J. Derek Vandenburg, Reg. No. 32,179
dvandenburg@carlsoncaspers.com

Dennis C. Bremer, Reg. No. 40,528
dbremer@carlsoncaspers.com

Joseph W. Winkels
jwinkels@carlsoncaspers.com

Peter M. Kohlhepp
pkohlhepp@carlsoncaspers.com

Dated: October 1, 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 Petitioner