

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

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

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Case IPR2020-01341  
Patent 8,142,413

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**PATENT OWNER'S OBJECTIONS TO 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 IPR2020-01341.

Exhibit Number	Objections
1003	<p>FRE 401, 402, 403: This exhibit 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. The exhibit is not cited in the Petition or either expert declaration (Exs. 1005, 1042).</p>
1005	<p>Patent Owner objects to Exhibit 1005 to the extent Dr. Brecker has not disclosed materials considered other than those referenced in his declaration. <i>See</i> 37 C.F.R. §§ 42.65(a) and (b).</p> <p><b><u>FRE 702, 703, 37 C.F.R. §§ 42.65:</u></b></p> <p>¶¶ 17-18, 21, 28, 31, 37, 48, 53-54, 93, 104-106, 109, 113-115, 118, 120, 122, 127, 139-141, 144-147, 152, 160, 162, 170-171, 173, 174, 179, 181, 185, 187, 191, 194, 196, 204, 207, 211, 214, 217, 222, 225-226, 228, 230-231, 233, 235-236, 240-241, 245, 247-249, 251, 256-259, 263-264, 266-268, 270-272, 275, 277, 279, 284, 288-291, 295-298, 304, 306, 310-311, 314, 319, 321-324, 327-330, 332-333, 335-336, 339-340, 344-354, 356-357 are not based on sufficient facts and data and do not reliably apply facts and data using scientific principles.</p> <p><b><u>FRE 401, 402, 403:</u></b></p> <p>Sections IX.A, X, and XI are not relevant because the Itou reference is not prior art; to the extent Sections IX.A, X, and XI are relevant, their probative value is outweighed by the danger of causing unfair prejudice and confusing the issues.</p>

¶¶ 37, 45, and 49 are not relevant; to the extent they are relevant, their probative value is outweighed by the danger of causing unfair prejudice and confusing the issues because they lack support for the contentions for which they are cited and improperly characterize the understanding of a POSITA.

¶¶ 104-106 are not relevant; to the extent it is relevant, its probative value is outweighed by the danger of causing unfair prejudice and confusing the issues because it lacks support for the contentions for which it is cited and improperly characterizes the teachings of Kontos.

¶ 109 contains irrelevant statements; to the extent such statements are relevant, their probative value is outweighed by the danger of causing unfair prejudice and confusing the issues because they lack support for the contentions for which they are cited and improperly characterize the teachings of Ressemann.

¶¶ 114-118 are not relevant; to the extent they are relevant, their probative value is outweighed by the danger of causing unfair prejudice and confusing the issues because they lack support for the contentions for which they are cited and improperly characterize the teachings of Kataishi.

¶ 119 is not relevant; to the extent it is relevant, its probative value is outweighed by the danger of causing unfair prejudice and confusing the issues because it lacks support for the contentions for which it is cited and improperly characterizes the teachings of Enger.

¶¶ 37, 127, 141 contain irrelevant statements; to the extent they are relevant, their probative value is outweighed by the danger of causing unfair prejudice and confusing the issues because they lack support for the contentions for which they are cited and improperly characterize the teachings of '413 patent.

**FRE 702, 703, 704:**

	<p>¶¶ 17-18, 21, 31, 139-141, 146, 245, 251, 266, 270, 319, 321, 327, 332, 335, 340, 346 and Headings X, X.A, XI, XI.A, XI.B state improper legal conclusions.</p> <p>Patent Owner additionally objects to Exhibit 1005 under FRE 802 (hearsay) to the extent that Patent Owner does not have the opportunity to cross-examine Dr. Brecker regarding his declaration.</p>
1007	<p>35 U.S.C. § 102: The exhibit is not prior art.</p> <p>FRE 403: To the extent this document may be 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>
1011	<p>FRE 401, 402, 403: This exhibit 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. The exhibit is not cited in the Petition or either expert declaration (Exs. 1005, 1042).</p> <p>FRE 106: This document is incomplete.</p>
1016	<p>FRE 401, 402, 403: This exhibit 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. The exhibit is not cited in the Petition or either expert declaration (Exs. 1005, 1042).</p>
1017	<p>FRE 401, 402, 403: This exhibit 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>
1021	<p>FRE 106: This document is incomplete.</p>

1022	<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>FRE 802: This document is hearsay</p>
1023	<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>FRE 802: This document is hearsay</p>
1024	<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>FRE 802: This document is hearsay</p>
1026	<p>FRE 401, 402, 403: This exhibit 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>
1027	<p>FRE 401, 402, 403: This exhibit 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. The exhibit is not cited in the Petition or either expert declaration (Exs. 1005, 1042).</p>
1030	<p>FRE 401, 402, 403: This exhibit 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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