

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Vascular Solutions LLC et al.,

Court File No. 0:19-cv-1760 (PJS/TNL)

Plaintiffs,

v.

**DEFENDANTS' RESPONSES TO  
PLAINTIFFS' FIRST SET OF  
DOCUMENT REQUESTS**

Medtronic, Inc. et al.,

Defendants.

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

Defendants Medtronic, Inc. and Medtronic Vascular, Inc. (collectively “Medtronic”), for their Responses to Plaintiffs’ First Set of Document Requests (No. 1), state and allege as follows:

**GENERAL RESPONSES**

1. Medtronic’s responses and objections are made to the best of Medtronic’s present knowledge, information, and belief. Medtronic’s responses and objections are limited to information within its possession, custody, or control. Medtronic reserves the right to amend, supplement, or change any responses and objections if and when additional, different, or more accurate information becomes available and/or facts are developed.

2. Medtronic reserves the right to make any use of, or to introduce at any hearing and at trial, documents responsive to Teleflex’s First Set of Document Requests

but discovered subsequent to the date of Medtronic's initial production, including, but not limited to, any documents obtained in discovery herein.

3. Medtronic will respond to each document request with responsive, non-privileged information currently in Medtronic's possession. By stating in these responses that Medtronic will produce documents or is searching for responsive documents, Medtronic does not represent that any such documents actually exist, but rather that Medtronic will make a good faith search and attempt to ascertain whether documents responsive to Teleflex's First Set of Document Requests do, in fact, exist, and to produce such documents if they are found to exist and are within Medtronic's possession, custody, or control.

4. Medtronic reserves the right to decide whether the documents produced for inspection shall be produced as they are kept in the usual course of business or shall be organized and labeled to correspond with the categories in Teleflex's First Set of Document Requests, in accordance with Federal Rule of Civil Procedure 34(b).

5. Medtronic reserves all objections or other questions as to the competency, relevance, materiality, privilege, or admissibility as evidence in any subsequent proceeding in or at trial of this or any other action for any purposes whatsoever, of this response and any document or thing produced in response to Teleflex's First Set of Document Requests.

6. Medtronic reserves the right to object on any ground at any time to such other or supplemental requests for production as Teleflex may at any time propound involving or relating to the subject matter of Teleflex's First Set of Document Requests.

## GENERAL OBJECTIONS

Medtronic makes the following General Objections, whether or not separately set forth in response to each document request, to each and every instruction, definition, and document request made in Teleflex's First Set of Document Requests.

1. Medtronic objects to Teleflex's First Set of Document Requests to the extent it seeks information subject to the attorney-client privilege, work product doctrine, joint defense or common interest privilege, or other applicable privilege or doctrine. Production of any privileged or otherwise protected material by Medtronic in the course of this proceeding is inadvertent and shall not constitute a waiver of any such privilege(s) and/or protection(s) or other grounds for objection to discovery with respect to such information.

2. Medtronic objects to Teleflex's definition of "You", "Your,", "Defendant," "Defendants", or "Medtronic" to the extent it includes anyone beyond Defendants, their officers, directors, and employees acting in their official capacities.

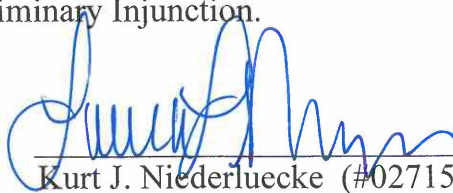
## RESPONSE TO REQUEST FOR PRODUCTION

**REQUEST FOR PRODUCTION NO. 1:** All Documents, things, and/or Communications that You intend to rely on as prior art in response to Plaintiffs' Motion for a Preliminary Injunction.

**RESPONSE:** Medtronic incorporates its General Responses and Objections herein. Medtronic further objects to Request No. 1 as premature because discovery is continuing and Medtronic does not yet know what documents, things, or communications it intends to rely on as prior art in response to Teleflex's anticipated Motion for a

Preliminary Injunction. Subject to and without waiving any objections, Medtronic will produce prior art of which it is currently aware and is considering relying on in response to Teleflex's anticipated Motion for a Preliminary Injunction.

Dated: August 15, 2019



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**CERTIFICATE OF SERVICE**

I hereby certify that on August 15, 2019, I caused the foregoing document  
**DEFENDANTS' RESPONSES TO PLAINTIFFS' FIRST SET OF**  
**DOCUMENT REQUESTS** to be served electronically with prior consent<sup>1</sup> upon the  
following counsel for Plaintiffs:

J. Derek Vandenburg (#224145)

Tara C. Norgard (#307683)

Joseph W. Winkels (#349707)

Alexander S. Rinn (#385616)

Shelleaha L. Jonas (#398417)

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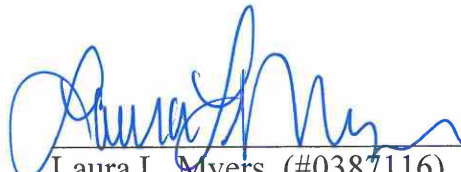
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Dated: August 15, 2019

  
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<sup>1</sup> Fed. R. Civ. P. 5(b)(F).