

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.

IPR2020-01343

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 IPR2020-01343, 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

In addition, the depositions of Patent Owner's experts Mr. Keith and Dr. Graham in the eleven earlier-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.

Exhibit Number	Objections
1122	FRE 401, 402, 403: This document is not relevant to the proposition for which it is cited. 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

¹ By way of example, it appears that Petitioner cited but did not file Ex-1794.

	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.
1127	<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>
1755	<p>Patent Owner objects to Exhibit 1755 to the extent Dr. Zalesky 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><u>FRE 702, 703, 37 C.F.R. §§ 42.65:</u></p> <p>§§ VIII-XIV and ¶¶ 17-18, 30, 37, 70, 77, 89, 90-91, 148, 153, 161, 164-165, 227, and 257-58 as well as introductory paragraphs 7-10 are not based on sufficient facts and data and do not reliably apply facts and data using scientific principles.</p> <p><u>FRE 401, 402, 403:</u></p> <p>§§ VIII and IX and ¶¶ 90-91, 94, 99, 104, 110-116, 120-134, 143-145, 150, 158-160, 165-167, 170-176, 179, 191,</p>

	<p>193-194, 196-198, 201-230, 234, 241, 244, 249, 251-253, and 256-257 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.</p> <p><u>FRE 702, 703, 704:</u></p> <p>¶¶ 17-18, 77, 89, 258 and introductory paragraphs 8-10 state improper legal conclusions.</p> <p><u>FRE 602:</u></p> <p>¶¶ 37, 70-73, 116, 121, 123, 125-130, 132-134, 148, 182, 198, 201, 203, 223, 251, 253, 257, and 258 are not based on personal knowledge.</p> <p>Patent Owner additionally objects to Exhibit 1755 under FRE 802 (hearsay) to the extent that Patent Owner does not have the opportunity to cross-examine Dr. Zalesky regarding his declaration.</p>
1762	<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 13, 2020 deposition of Howard Root.</p>
1764	<p>FRE 401, 402, 403: Portions of this exhibit are 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. Patent Owner reasserts and reserves all of</p>

	its objections under 37 C.F.R. § 42.64(a) made during the December 1, 2020 deposition of Peter Keith.
1765	<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> <p>FRE 901, 902: This document has not been authenticated.</p>
1766	<p>FRE 401, 402, 403: Portions of this exhibit are 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. Patent Owner reasserts and reserves all of its objections under 37 C.F.R. § 42.64(a) made during the November 12, 2020 deposition of Deborah Schmalz.</p>
1767	<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> <p>FRE 901, 902: This document has not been authenticated.</p>
1769	<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> <p>FRE 901, 902: This document has not been authenticated.</p>
1770	<p>FRE 401, 402, 403: This exhibit is not relevant. To the extent this document is relevant, its probative value is</p>

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