

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 IPR2020-01344
Patent RE46,116

**PETITIONERS' OBJECTIONS UNDER 37 C.F.R. § 42.64 TO PATENT
OWNER'S POST-INSTITUTION EVIDENCE FILED MAY 14, 2021**

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 May 14, 2021.

I. Exhibits 2046, 2118: Declarations of Howard Root

Medtronic has yet to cross-examine Mr. Root in this IPR. Medtronic therefore reserves the right to move to exclude Exhibits 2046, 2118, and/or any testimony therein on the bases of 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 Exhibits 2046 and 2118 under FRE 802 (hearsay) to the extent Medtronic does not have the opportunity to cross-examine Mr. Root regarding his declaration/transcript.

II. Exhibits 2007-2011, 2013-2014, 2016-2038, 2040-2041, 2058, 2061-2063, 2065-2067: Documents/Evidence Submitted with Mr. Root Declaration

Medtronic objects under FRE 106 (completeness), FRE 401/402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing, waste of time), FRE 802 (hearsay), FRE 901 (authenticity), and FRE 1002 (requirement for original).

III. Exhibit 2039: Declaration of Deborah Schmalz

Medtronic has yet to cross-examine Ms. Schmalz in this IPR. Medtronic therefore reserves the right to move to exclude Exhibit 2039 and/or any testimony therein on the bases of 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 2039 under FRE 802 (hearsay) to the extent Medtronic does not have the opportunity to cross-examine Ms. Schmalz regarding her declaration.

IV. Exhibits 2056, 2072, 2123, 2138, & 2250: Expert Report/Declaration of Peter T. Keith

Medtronic has yet to cross-examine Mr. Keith in this IPR. Medtronic therefore reserves the right to move to exclude Exhibits 2056, 2072, 2123, 2138, 2250 and/or any testimony therein on the bases of 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 Exhibits 2056, 2072, 2123, 2138, 2250 under FRE 802 (hearsay) to the extent Medtronic does not have the opportunity to cross-examine Mr. Keith regarding his expert report/declaration.

V. Exhibits 2057, 2060: Teleflex Website

Medtronic objects under FRE 106 (completeness), FRE 401/402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing, waste of time), hearsay (FRE 802), and FRE 901 (authenticity).

VI. Exhibits 2069 & 2071: Exhibits to Complaint

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

VII. Exhibit 2070: Guide Catheters

Medtronic objects under FRE 106 (completeness), FRE 401/402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing, waste of time), hearsay (FRE 802), FRE 901 (authenticity), and FRE 1002 (requirement for original).

VIII. Exhibit 2073: Declaration of Alexander S. Rinn

Medtronic has yet to cross-examine Mr. Rinn in this IPR. Medtronic therefore reserves the right to move to exclude Exhibit 2073 and/or any testimony therein on the bases of FRE 602 (lack of personal knowledge), FRE 401/402 (relevance), and FRE 403 (probative value outweighed by prejudice, confusing, waste of time). In addition, Medtronic objects to Exhibit 2073 under FRE 802 (hearsay) to the extent

Medtronic does not have the opportunity to cross-examine Mr. Rinn regarding his declaration.

IX. Exhibit 2119: Declaration of Gregg Sutton

Medtronic has yet to cross-examine Mr. Sutton in this IPR. Medtronic therefore reserves the right to move to exclude Exhibit 2119 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 2119 under FRE 802 (hearsay) to the extent that Medtronic does not have the opportunity to cross-examine Mr. Sutton regarding his declaration.

X. Exhibit 2120: Declaration of Mark Goemer

Medtronic has yet to cross-examine Mr. Goemer in this IPR. Medtronic therefore reserves the right to move to exclude Exhibit 2120 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 2120 under FRE 802 (hearsay) to the extent that Medtronic does not have the opportunity to cross-examine Mr. Goemer regarding his declaration.

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