

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MEDTRONIC COREVALVE LLC,

Petitioner,

v.

COLIBRI HEART VALVE LLC,

Patent Owner.

Case IPR2020-01454

U.S. Patent No. 9,125,739

**DECLARATION OF CRENA PACHECO
IN SUPPORT OF PETITIONER'S REPLY BRIEF IN SUPPORT OF
PETITION FOR *INTER PARTES* REVIEW**

I, Crena Pacheco, make the following Declaration pursuant to 28 U.S.C. § 1746:

1. I am a Senior IP Paralegal at the law firm of Ropes & Gray LLP.

2. I provide this Declaration in connection with the above-identified Inter Partes Review proceeding that is before the United States Patent and Trademark Office (“USPTO”). Unless otherwise stated, the facts stated in this Declaration are based on my personal knowledge.

3. Ex. 1026 is a true and correct copy of the U.S. District Court Docket, *Jane Doe et al. v. Xavier Becerra et al.*, Case No. 8:19-cv-02105, (C.D. Cal.), which was downloaded from the LexisNexis CourtLink, Inc. database. This document has been marked with an exhibit label and page numbers on each page. However, no alterations, other than these noted markings, have been made to this document.

4. Ex. 1027 is a true and correct copy of the U.S. District Court Docket, *Shuthima Pongsai V. American Express Company Et Al*, Case No. 8:19-cv-01628, (C.D. Cal.), which was downloaded from the LexisNexis CourtLink, Inc. database. This document has been marked with an exhibit label and page numbers on each page. However, no alterations, other than these noted markings, have been made to this document.

5. Ex. 1028 is a true and correct copy of General Order 20-12 dated September 14, 2020, (C.D. Cal.), which was downloaded from <https://www.cacd.uscourts.gov/sites/default/files/general-orders/GO%2020-12.pdf>. This document has been marked with an exhibit label and page numbers on each page. However, no alterations, other than these noted markings, have been made to this document.

6. Ex. 1029 is a true and correct copy of General Order 20-15 dated November 25, 2020, (C.D. Cal.), which was downloaded from <https://www.cacd.uscourts.gov/sites/default/files/general-orders/GO%2020-15.pdf>. This document has been marked with an exhibit label and page numbers on each page. However, no alterations, other than these noted markings, have been made to this document.

7. Ex. 1030 is a true and correct copy of General Order 20-05 dated April 13, 2020, (C.D. Cal.), which was downloaded from https://www.cacd.uscourts.gov/sites/default/files/general-orders/GO%2020-05_0.pdf. This document has been marked with an exhibit label and page numbers on each page. However, no alterations, other than these noted markings, have been made to this document.

8. Ex. 1031 is a true and correct copy of General Order 20-08 dated May 28, 2020, (C.D. Cal.), which was downloaded from

<https://www.cacd.uscourts.gov/sites/default/files/general-orders/GO%2020-08%20Amended.pdf>. This document has been marked with an exhibit label and page numbers on each page. However, no alterations, other than these noted markings, have been made to this document.

9. Ex. 1032 is a true and correct copy of General Order 20-09 dated August 6, 2020, (C.D. Cal.), which was downloaded from <https://www.cacd.uscourts.gov/sites/default/files/general-orders/GO%2020-09.pdf>. This document has been marked with an exhibit label and page numbers on each page. However, no alterations, other than these noted markings, have been made to this document.

10. Ex. 1033 is a true and correct copy of General Order 20-042 dated March 19, 2020, (C.D. Cal.), which was downloaded from https://www.cacd.uscourts.gov/sites/default/files/documents/Order_20-042.pdf. This document has been marked with an exhibit label and page numbers on each page. However, no alterations, other than these noted markings, have been made to this document.

11. Ex. 1034 is a true and correct copy of Activation of Continuity of Operations plan dated December 7, 2020, which was downloaded from <https://www.cacd.uscourts.gov/news/activation-continuity-operations-plan-0>. This document has been marked with an exhibit label and page numbers on each page.

However, no alterations, other than these noted markings, have been made to this document.

12. Ex. 1035 is a true and correct copy of Press Release - Activation of Continuity of Operations plan dated December 7, 2020, which was downloaded from <https://www.cacd.uscourts.gov/sites/default/files/documents/2020-12-07%20Press%20Release%20-%20Activation%20of%20the%20COOP%20Plan.pdf>. This document has been marked with an exhibit label and page numbers on each page. However, no alterations, other than these noted markings, have been made to this document.

13. Ex. 1036 is a true and correct copy of the U.S. District Court Docket, *Colibri Heart Valve LLC v Medtronic Corevalve LLC*, Case No. 8:20-cv-00847-DOC-JDE, (C.D. Cal.), which was downloaded from the LexisNexis CourtLink, Inc. database. This document has been marked with an exhibit label and page numbers on each page. However, no alterations, other than these noted markings, have been made to this document.

14. Ex. 1037 is a true and correct copy of Extension of Continuity of Operations Plan dated January 6, 2021, which was downloaded from <https://www.cacd.uscourts.gov/sites/default/files/documents/2021-01-06%20Notice%20-%20Extension%20of%20COOP%20Plan.pdf>. This document

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