

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

**PETITIONER'S OBJECTIONS TO EVIDENCE SUBMITTED
WITH PATENT OWNER'S RESPONSE**

Pursuant to 37 C.F.R. § 42.64(b)(1), the undersigned, on behalf of and acting in a representative capacity for Petitioner Medtronic Corevalve LLC (“Petitioner”), hereby submits the following objections to Colibri Heart Valve LLC’s (“Patent Owner”) Exhibit 2019, and any reference thereto/reliance thereon, without limitation. Petitioner’s objections below apply the Federal Rules of Evidence (“F.R.E.”) as required by 37 C.F.R § 42.62. These objections address evidentiary deficiencies in the material submitted by Patent Owner with its Response on June 2, 2021.

I. Objections to Exhibit 2019

Grounds for objection: F.R.E. 702 (“Testimony by Expert Witnesses”); F.R.E. 703 (“Bases of an Expert’s Opinion Testimony”); and 37 C.F.R. § 42.61 (“Admissibility”).

Petitioner objects to Exhibit 2019 under F.R.E. 702, 703, and 37 C.F.R. § 42.61. The declarant of Exhibit 2019, Dr. Lakshmi Prasad Dasi, fails to provide sufficient underlying facts or data upon which the statements contained therein could legitimately be based, in violation of F.R.E. 702. Dr. Dasi also has not “reliably applied the principles and methods to the facts of the case,” and his opinions in Exhibit 2019 are not “the product of reliable principles and methods,” in violation of F.R.E. 702.

IPR2020-01454
Patent No. 9,125,739

Dated: June 9, 2021

Respectfully submitted,

By: /James L. Davis, Jr./
James L. Davis, Jr.
Reg. No. 57,325
ROPES & GRAY LLP

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing PETITIONER'S OBJECTIONS TO EVIDENCE SUBMITTED WITH PATENT OWNER'S RESPONSE was served in its entirety by filing through the Patent Trial and Appeal Board End to End (PTAB E2E), as well as providing a courtesy copy via e-mail to the following attorneys of record for Patent Owner listed below:

Lead Counsel	Back-up Counsel
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<i>Counsel for Patent Owner Colibri Heart Valve LLC</i>	

Dated: June 9, 2021

By: /Dara Del Rosario/
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