

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NEW WORLD MEDICAL, INC.,
Petitioner,

v.

MICROSURGICAL TECHNOLOGY, INC.,
Patent Owner.

Case IPR2020-01573

U.S. Patent No. 9,107,729

PATENT OWNER'S ADDITIONAL DISCOVERY REQUESTS

Patent Owner MicroSurgical Technology, Inc. (“MST” or “Patent Owner”) requests that Petitioner New World Medical, Inc. (“NWM” or “Petitioner”) produce documents and things in response to the following Requests for Production and provide information in response to the following Interrogatories.

INSTRUCTIONS

1. In producing documents and things responsive to these Requests for Production and providing information responsive to these Interrogatories, please comply with Federal Rules of Civil Procedure 26, 30, 33 and 34; any Board Order in this proceeding; and the instructions in the Office Patent Trial Practice Guide.

2. Patent Owner requests that Petitioner produce the documents and things described in the following Requests for Production and provide information in response to the following Interrogatories within thirty (30) days.

3. In the event any document responsive to a Request for Production or identified in response to an Interrogatory is withheld, in whole or in part, on the basis of a claim of attorney-client privilege, attorney work product, or any other exemption or immunity from discovery, You must furnish a privilege log that provides a description and identification of the requested document sufficient to frame an appropriate demand for the document and a motion to compel disclosure thereof, that identifies each document for which any privilege is claimed, and that provides, with respect to each document, the following information: (i) the date of the

document; (ii) the subject matter of the document; (iii) the person(s) who prepared the document; (iv) all persons to whom the document was distributed, shown or explained, as well as the dates on which such disclosure was made; (v) its present custodian; and (vi) the nature of the privilege asserted. Notwithstanding a claim that a document is privileged or otherwise protected from disclosure, any documents so withheld must be produced with the portion claimed to be protected excised or redacted.

4. In the event that any document called for by these Requests for Production is no longer in your possession or subject to your control, or has been destroyed or discarded, that document is to be identified by stating: (i) the date of the document; (ii) the subject matter of the document; (iii) the person(s) who prepared the document; (iv) all persons to whom the document was distributed, shown or explained; (v) the date of the transfer of control of the document or the destruction, manner of destruction, and reason for destruction; (vi) the persons who were authorized to carry out such destruction; and (vii) whether any copies of the document presently exist and, if so, the name of the custodian of each copy of the document.

5. If You object to or disagree with any of the definitions set forth below, or if You do not understand any term used in these Requests for Production or

Interrogatories, explain in detail the nature of Your disagreement with the definition, or lack of understanding of the term, and provide Your definition of the term.

6. If You object to a portion or an aspect of any Request for Production, Interrogatory, or Deposition Topic, You should state the grounds of Your objection with specificity and respond to the remainder of the request.

7. You should timely amend Your responses if You learn that Your response is incomplete or additional responsive information is found.

DEFINITIONS

1. “IPR” means Case No. IPR2020-01573.

2. “You,” “Your,” and “Yourself” refer to NWM, as well as any of each of NWM’s agents, officers, employees, representatives, attorneys, and any and all predecessor or successor entities, corporations, or business entities. These terms also refer to any division, company, corporation, or other business entity affiliated with NWM or owned by NWM in whole or in part or which owns NWM in whole or in part, and the directors, officers, agents, employees, consultants, and attorneys of any of them, including all persons acting or purporting to act on behalf of, or who are subject to the direction or control of, any of the foregoing.

3. “Person” or “Entity” shall mean individuals and entities, including all natural persons, businesses, firms, partnerships, associates, organizations, governmental units, joint ventures, corporations, and any other entities.

4. The terms “and” and “or” are terms of inclusion and not of exclusion and are to be construed either disjunctively or conjunctively as necessary to bring within the scope of these requests any documents or responses which might be otherwise construed to be outside their scope.

5. The term “any” shall include “all,” and the term “all” shall include “any.”

6. The singular of any term shall include the plural, and the plural of any term shall include the singular.

7. “Concerning” and “relating to” shall mean identifying, concerning, referring to, relating to, evidencing, demonstrating, summarizing, reflecting, constituting, containing, embodying, mentioning, pertaining to, commenting upon, connected with, discussing, describing, analyzing, showing, comprising, or relating to in any way relevant to a particular subject, in whole or in part, either directly or indirectly.

8. The terms “document,” “documents,” “things,” and “communications” shall be interpreted in their broadest possible sense and refer without limitation to every document equal in scope to the usage of the term “documents” in Fed. R. Civ. P. 34, and includes without limitation writings, communications, emails, voice mails, texts, social media, drawings, graphs, charts, photographs, sound recordings, images, data stored electronically in any

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.