

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 OBJECTIONS
TO PETITIONER'S DEMONSTRATIVES**

PATENT OWNER'S UPDATED EXHIBIT LIST

Exhibit	Description
2001	Declaration of Teresa M. Summers, Esq.
2002	Erin G. Sieck <i>et al.</i> , <i>Outcomes of Kahook Dual blade Goniotomy with and without Phacoemulsification Cataract Extraction</i> , 1 Ophthalmology Glaucoma, 75-81 (2018)
2003	Todd Neff, <i>UCHealth Eye Center lands global innovation awards</i> , UCHealth Today, January 6, 2016
2004	Complaint for Patent Infringement (ECF No. 1) in <i>MicroSurgical Technology, Inc., et al. v. New World Medical, Inc.</i> , Case No. 1:20-cv-00754-UNA (D. Del.), filed June 4, 2020
2005	Presentation by New World Medical titled “KDB Competitive: Trabectome/Goniotome {MST}”
2006	Kahook, Malik Y., U.S. Patent No. 10,327,947, “Modified dual-blade cutting system” issued June 25, 2019
2007	October 21, 2015 press release titled “New World Medical to Launch the Kahook Dual Blade at AAO Meeting”
2008	<i>University of Colorado a global leader in patents for inventions, innovations</i> , CU Connections, June 1, 2020
2009	Draft Proposed Patent Owner’s Additional Discovery Requests
2010	Email conversation between Lawrence Sung, counsel for Patent Owner, and Kyle Deighan, counsel for Petitioner, containing messages from October 6-7, 2020
2011	Declaration of Maeve Hickey
2012	Complaint for Patent Infringement (ECF No. 1) in <i>New World Medical, Inc., et al. v. MicroSurgical Technology, Inc.</i> , Case No. 2:20-cv-01621-RAJ-BAT (W.D. Wash.), filed November 4, 2020
2013	Email from Lawrence Sung to Patent Trial and Appeal Board, November 5, 2020
2014	KDB Glide comparison to the TrabEx
2015	Kahook, Malik Y., U.S. Patent No. 10,786,391, “Intraocular device for dual incisions” issued September 29, 2020

Exhibit	Description
2016	(Part 1) Cybersight, <i>Surgery: Goniotomy Using the Kahook Dual Blade</i> , YouTube (June 22, 2018)
2016	(Part 2) Cybersight, <i>Surgery: Goniotomy Using the Kahook Dual Blade</i> , YouTube (June 22, 2018)
2016	(Part 3) Cybersight, <i>Surgery: Goniotomy Using the Kahook Dual Blade</i> , YouTube (June 22, 2018)
2017	(Part 1) Dr. Malik Kahook, <i>Kahook Dual Blade Excisional Goniotomy</i> , YouTube (June 30, 2020)
2017	(Part 2) Dr. Malik Kahook, <i>Kahook Dual Blade Excisional Goniotomy</i> , YouTube (June 30, 2020)
2017	(Part 3) Dr. Malik Kahook, <i>Kahook Dual Blade Excisional Goniotomy</i> , YouTube (June 30, 2020)
2017	(Part 4) Dr. Malik Kahook, <i>Kahook Dual Blade Excisional Goniotomy</i> , YouTube (June 30, 2020)
2018	Declaration of Jasmine Nazaire
2019	Declaration of Garry P. Condon, M.D.
2020	Sworn Affidavit of Manuel Quintana, M.D.
2021	Transcript of Deposition of Dr. Peter Netland (May 27, 2021).
2022	Transcript of Deposition of Dr. Peter Netland (May 28, 2021).
2023	DORLAND'S MEDICAL DICTIONARY SHORTER EDITION abridged from 25th ed. (1980) excerpt at 605 (definition of "section")
2024	BLACKS MEDICAL DICTIONARY 47th ed. (1992) excerpt at 519 (definition of "section")
2025	Declaration of Jasmine Nazaire
2026	Emails between counsel, June 29 to July 8, 2021
2027	Letter from Lawrence M. Sung to Dr. Manuel Quintana, July 19, 2021
2028	Email from Lawrence M. Sung to Dr. Manuel Quintana, July 19, 2021
2029	Email from Dr. Manuel Quintana to Lawrence M. Sung, dated August 22, 2021
2030	Patent Owner's Responses to Petitioner's Objections to Evidence

Exhibit	Description
2031	Declaration of Yehosef Thomas
2032	Transcript of Deposition of Dr. Peter Netland (September 30, 2021)
2033	Declaration of Jasmine Nazaire
2034	Demonstrative Exhibit – Not Evidence
2035	Patent Owner’s Objected-to-Portions of Petitioner’s Demonstratives (Exhibit A)
2036	Declaration of Jasmine Nazaire

Pursuant to the Board’s Order Granting Request for Final Hearing dated November 22, 2021 (Paper 50, the “Order”), Patent Owner Microsurgical Technology, Inc. hereby submits the following objections to Petitioner New World Medical, Inc.’s demonstrative exhibits (Exhibit 1046). As stated in the Order, Patent Owner’s objections identify with particularity which portions of the demonstratives are subject to objection and include a one (1) sentence statement of the reason for each objection. A copy of the objected-to portions is attached as Exhibit A.

As explained below, Patent Owner’s objections fall within four categories: (1) the content of slides 50, 51, and 70 advance new arguments or evidence that are not cited in a paper; (2) the content of slides 10, 28, 30, 31, 35, 36, and 42 are subject to Patent Owner’s Motion to Exclude Evidence (Paper 51) or Patent Owner’s Second Set of Objections to Evidence (Paper 38); (3) the content of slides 14-16 are subject to Patent Owner’s Opposition to Petitioner’s Motion to Exclude Evidence, Paper 53; and (4) the content of slides 2, 4, 9, 11, 12, 18, and 92 present argument and evidence concerning the affidavit of Dr. Quintana that the Board struck from the record (*see* Paper 49). Patent Owner files objections to the first category because the Board because the presentation of new evidence or arguments at a hearing is prohibited. Patent Owner files objections to categories (2) to (4) to preserve them for the record.

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