

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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INTUITIVE SURGICAL, INC.,  
Petitioner,

v.

ETHICON LLC,  
Patent Owner.

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Case IPR2019-00880  
U.S. Patent No. 7,490,749 B2

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**PATENT OWNER'S SECOND SET OF OBJECTIONS TO  
ADMISSIBILITY OF EVIDENCE SERVED BY PETITIONER INTUITIVE  
SURGICAL, INC. IN *INTER PARTES* REVIEW**

Pursuant to 37 C.F.R. § 42.64(b), Patent Owner Ethicon LLC, hereby objects as follows to the admissibility of evidence filed by Petitioner Intuitive Surgical, Inc. in *Inter Partes* review of U.S. Patent No. 7,490,749 (IPR2019-00880).

<b>Evidence</b>	<b>Objections</b>
<b>Exhibit 1015</b>	<p><b>FRE 402:</b> The exhibit is not relevant to any ground upon which trial was instituted.</p> <p><b>FRE 403:</b> The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly cumulative evidence.</p> <p>Patent Owner maintains the objections made during the deposition of Dr. Awtar.</p>
<b>Exhibit 1016</b>	<p><b>FRE 402:</b> The exhibit is not relevant to any ground upon which trial was instituted.</p> <p><b>FRE 403:</b> The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly cumulative evidence.</p>

<b>Evidence</b>	<b>Objections</b>
<b>Exhibit 1017</b>	<p><b>FRE 402:</b> The exhibit is not relevant to any ground upon which trial was instituted.</p> <p><b>FRE 403:</b> The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly cumulative evidence.</p>
<b>Exhibit 1018</b>	<p><b>FRE 402:</b> The exhibit is not relevant to any ground upon which trial was instituted.</p> <p><b>FRE 403:</b> The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly cumulative evidence.</p>
<b>Exhibit 1019</b>	<p><b>FRE 402:</b> The exhibit is not relevant to any ground upon which trial was instituted.</p> <p><b>FRE 403:</b> The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues,</p>

Evidence	Objections
	undue delay, wasting time, or needlessly cumulative evidence.
<b>Exhibit 1020</b>	<p><b>Lack of Foundation:</b> Petitioner has not provided sufficient explanation of what the exhibit is or what it allegedly shows.</p> <p><b>FRE 402:</b> The exhibit is not relevant to any ground upon which trial was instituted.</p> <p><b>FRE 403:</b> The exhibit’s probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly cumulative evidence.</p> <p><b>FRE 802:</b> The exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p> <p><b>FRE 805:</b> The exhibit contains improper hearsay within hearsay.</p> <p><b>FRE 901:</b> Petitioner has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is.</p>

Evidence	Objections
<b>Exhibit 1021</b>	<p><b>FRE 402:</b> The exhibit is not relevant to any ground upon which trial was instituted.</p> <p><b>FRE 403:</b> The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly cumulative evidence.</p>
<b>Exhibit 1022</b>	<p><b>FRE 402:</b> The exhibit is not relevant to any ground upon which trial was instituted.</p> <p><b>FRE 403:</b> The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly cumulative evidence.</p>
<b>Exhibit 1023</b>	<p><b>FRE 402:</b> The exhibit is not relevant to any ground upon which trial was instituted.</p> <p><b>FRE 403:</b> The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues,</p>

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