

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LEXION MEDICAL, LLC
Petitioner,

v.

SURGIQUEST, INC.
Patent Owner.

Case No. IPR2017-00518
Patent No. 9,095,372

SURGIQUEST’S NOTICE OF OBJECTIONS

Mail Stop “PATENT BOARD”
Patent Trial & Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

I. INTRODUCTION

Patent Owner SurgiQuest, Inc., pursuant to the Board's Order dated March 15, 2018 (Paper 27), hereby submits this Notice of Objections to Petitioner's demonstratives. Many of these objections are also the subject of Patent Owner's Motion to Strike (Paper 24).

II. OBJECTIONS TO PETITIONER'S DEMONSTRATIVES

1. Slide 18 – citation to and excerpt of Exhibit 1018

Exhibit 1018 (Massoud patent) was not cited in Petitioner's Reply or any other pleading by Petitioner, as discussed in further detail in the Motion to Strike.

2. Slide 26 – citation to and excerpt of Exhibit 1037, ¶ 47

Exhibit 1037, ¶ 47 was not cited in Petitioner's Reply or any other pleading by Petitioner.

3. Slide 46 – contents of bullet point

Petitioner's "suction" argument as motivation for modification of Mantell is an improper attempt to cure deficiencies in the Petition and improper rebuttal

appearing for the first time in the Reply as discussed in further detail in the Motion to Strike.

4. Slide 47 – entire slide

Petitioner’s “suction” argument as motivation for modification of Mantell is an improper attempt to cure deficiencies in the Petition and improper rebuttal appearing for the first time in the Reply as discussed in further detail in the Motion to Strike.

5. Slide 48 – entire slide

Petitioner’s “suction” argument as motivation for modification of Mantell is an improper attempt to cure deficiencies in the Petition and improper rebuttal appearing for the first time in the Reply as discussed in further detail in the Motion to Strike.

6. Slide 49 – entire slide

Petitioner’s “design choice” argument as motivation for modification of Mantell is an improper attempt to cure deficiencies in the Petition and improper rebuttal appearing for the first time in the Reply as discussed in further detail in the Motion to Strike, and the second bullet point is a mischaracterization of Dr. Lipson’s testimony.

7. Slide 50 – entire slide

Petitioner’s “tissue lodging” and “instrument from another trocar” arguments as motivation for modification of Mantell are an improper attempt to cure deficiencies in the Petition and improper rebuttal appearing for the first time in the Reply as discussed in further detail in the Motion to Strike.

8. Slide 51 – entire slide

Petitioner’s “directional/better dispersion” argument as motivation for modification of Mantell is an improper attempt to cure deficiencies in the Petition and improper rebuttal appearing for the first time in the Reply as discussed in further detail in the Motion to Strike.

Date: April 13, 2018

Respectfully Submitted,

/s/ James M. Heintz

James M. Heintz

Reg. No. 41,828

jim.heintz@dlapiper.com

Gianni Minutoli

Reg. No. 41,198

gianni.minutoli@dlapiper.com

DLA Piper LLP (US)

11911 Freedom Drive, Suite 300

Reston, VA 20190

Phone: 703-773-4148

Fax: 703-773-5200

*Attorneys for Patent Owner,
SurgiQuest, Inc.*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing
SURGIQUEST'S NOTICE OF OBJECTIONS was served on April 13, 2018, via
email to the attorneys of record at the following e-mail addresses:

Lexion_372IPR@bakerbotts.com	Brian Oaks Brian.oaks@bakerbotts.com
David Wille David.wille@bakerbotts.com	Johnson Kuncheria Johnson.kuncheria@bakerbotts.com

Dated: April 13, 2018

Respectfully Submitted,

/James M. Heintz/

James M. Heintz

Reg. No. 41,828

DLA Piper LLP (US)

11911 Freedom Drive, Suite 300

Reston, VA 20190

Jim.heintz@dlapiper.com

SurgiQuest-Lexion-372IPR@dlapiper.com

Phone: 703-773-4148

Fax: 703-773-5200

Attorney for Patent Owner SurgiQuest, Inc.