

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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LIFESCAN, INC.

Petitioner,

v.

FACET TECHNOLOGIES, LLC

Patent Owner.

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Case No. IPR2023-00712

U.S. Patent No. 8,840,635

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**PETITIONER'S UPDATED EXHIBIT LIST**

Pursuant to 37 C.F.R. § 42.63(e), Petitioner LifeScan, Inc. (“Petitioner”) hereby submits a current listing of Petitioner’s exhibits.

| Exhibit  | Description                                                                                                                                       |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| Ex. 1001 | U.S. Patent No. 8,840,635 to Pusey et al. (the “’635 Patent”)                                                                                     |
| Ex. 1002 | Declaration of Expert Joel Delman                                                                                                                 |
| Ex. 1003 | File History of the ’635 Patent                                                                                                                   |
| Ex. 1004 | Claim Construction Order for <i>Facet Technologies, LLC v. LifeScan, Inc.</i> , Case No. 2:22-cv-1717-MCS-MAR, Dkt. 122 (C.D. Cal. Jan. 20, 2023) |
| Ex. 1005 | U.S. Patent Application Publication 2004/0138588 to Saikley (“Saikley”)                                                                           |
| Ex. 1006 | U.S. Patent Application Publication to Iio 2005/0131441 (“Iio”)                                                                                   |
| Ex. 1007 | U.S. Patent No. 5,318,584 to Lange (“Lange”)                                                                                                      |
| Ex. 1008 | U.S. Patent No. 5,569,286 to Peckham et al. (“Peckham”)                                                                                           |
| Ex. 1009 | U.S. Patent Application Publication 2005/0131440 (“Starnes”)                                                                                      |
| Ex. 1010 | Wayback Declaration and Reference: FreeStyle Owner’s Booklet, TheraSense, Inc. (2004)                                                             |
| Ex. 1011 | <i>Reserved</i>                                                                                                                                   |
| Ex. 1012 | <i>Reserved</i>                                                                                                                                   |
| Ex. 1013 | Stipulation                                                                                                                                       |
| Ex. 1014 | U.S. Patent No. 3,358,689 to Higgins (“Higgins”)                                                                                                  |
| Ex. 1015 | Therasense Trademark Registration and File History                                                                                                |
| Ex. 1016 | U.S. Provisional Application No. 60/424,414 to Saikley (“Provisional to Saikley”)                                                                 |
| Ex. 1017 | U.S. Patent No. 6,283,982 to LeVaughn et al. (“LeVaughn”)                                                                                         |
| Ex. 1018 | U.S. Patent Application Publication 2006/0241669 to Stout (“Stout”)                                                                               |
| Ex. 1019 | International Pub. No. WO 2007-089930A2 (“Lathrop”)                                                                                               |

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|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| Ex. 1020 | Wayback Declaration and Reference: One Touch Lancing Device User's Instructions, Rev. 10/2006, LifeScan Inc., Milpitas California (2006)            |
| Ex. 1021 | U.S. Patent No. 4,994,068 to Hufnagle ("Hufnagle")                                                                                                  |
| Ex. 1022 | Lengths, girths, and diameters of children's fingers from 3 to 10 years of age, Annals of Anatomy (2010)                                            |
| Ex. 1023 | 3-D Finite-Element Models of Human and Monkey Fingertips to Investigate the Mechanics of Tactile Sense, Journal of Biomechanical Engineering (2003) |
| Ex. 1024 | CV of Joel Delman                                                                                                                                   |
| Ex. 1025 | CV of Gerald W. Griffin                                                                                                                             |
| Ex. 1026 | Declaration of Gerald W. Griffin                                                                                                                    |
| Ex. 1027 | Order re Defendant's Motion to Reopen Discovery                                                                                                     |

Dated: August 22, 2023

Respectfully Submitted,

/ Michael J. Lyons /

Michael J. Lyons, Reg. No. 37,386

**CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. 42.6(e), the undersigned hereby certifies that on August 22, 2023, a true and correct copy of the foregoing **Petitioner's Updated Exhibit List and Exhibit 1027** were served via email upon Patent Owner's lead and backup counsel at the following email addresses:

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Respectfully Submitted,

/ Michael J. Lyons /  
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