

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LIFESCAN, INC.

Petitioner,

v.

FACET TECHNOLOGIES, LLC

Patent Owner.

Case No. IPR2023-00712

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

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.

PETITIONER’S EXHIBIT LIST

<u>Exhibit</u>	<u>Description</u>
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”)
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
Ex. 1028	<i>Reserved</i>
Ex. 1029	<i>Reserved</i>
Ex. 1030	<i>Reserved</i>
Ex. 1031	Provisional Application No. 61/084456 (“Provisional to ’635 Patent”) and its file history
Ex. 1032	<i>Reserved</i>
Ex. 1033	<i>Reserved</i>
Ex. 1034	Rebuttal Declaration of Joel Delman

Ex. 1035	Excerpts from the Deposition of John M. Collins, Ph.D. in <i>Facet Technologies, LLC v. LifeScan, Inc.</i> , Case No. 2:22-cv-1717-MCS-MAR (C.D. Cal. July 6, 2023)
Ex. 1036	<i>Reserved</i>
Ex. 1037	<i>Reserved</i>
Ex. 1038	U.S. Patent No. 2,326,715 to Wilson et al.
Ex. 1039	Facet Technologies Blood Lancet Comparison Report [Produced in <i>Facet Technologies, LLC v. LifeScan, Inc.</i> , Case No. 2:22-cv-1717-MCS-MAR (C.D. Cal.), FACET 1148212] [FILED UNDER SEAL]
Ex. 1040	Excerpts from Stephen Pheasant & Christine M. Haslegrave, <i>Bodyspace: Anthropometry, Ergonomics, and the Design of Work</i> (3 rd Ed. 2006) (Chapters 1, 6, 10, and Appendix)
Ex. 1041	Excerpts from Jonathan M. Cagan, et al., <i>Creating Breakthrough Products: Innovation from Product Planning to Program Approval</i> (1 st Ed. 2001) (Chapters 1, 3, 7)
Ex. 1041A	Exhibit from Deposition of John M. Collins on Mar. 5, 2024, which was there introduced as Ex.1041 [SERVED, NOT FILED]
Ex. 1042	Excerpts from Paul Hatch et al., <i>IMPACT: The Synergy of Design, Technology, and Business</i> (1 st Ed. 2005)
Ex. 1042A	Exhibit from Deposition of John M. Collins on Mar. 5, 2024, which was there introduced as Ex. 1042 [SERVED, NOT FILED]
Ex. 1043	Excerpts from William Lidwell, et al., <i>Universal Principles of Design</i> (1 st Ed. 2003) (Affordances, Iteration, Prototyping)
Ex. 1043A	Exhibit from Deposition of John M. Collins on Mar. 5, 2024, which was there introduced as Ex. 1043 [SERVED, NOT FILED]

Ex. 1044	Declaration of Paul Hatch in Support of Petitioner's Reply
Ex. 1045	Rebuttal Expert Report of Paul Hatch Regarding Non-Infringement of U.S. Patent No. 8,840,635, <i>Facet Technologies, LLC v. LifeScan, Inc.</i> , Case No. 2:22-cv-1717-MCS-MAR (C.D. Cal. June 20, 2023)
Ex. 1046	Declaration of Sam Rosenfarb in Support of Petitioner's Reply [FILED UNDER SEAL]
Ex. 1047	Patent Notice [Produced in <i>Facet Technologies, LLC v. LifeScan, Inc.</i> , Case No. 2:22-cv-1717-MCS-MAR (C.D. Cal.), FACET_002107]
Ex. 1048	U.S. Patent No. 8,652,159
Ex. 1049	U.S. Patent No. 9,095,293
Ex. 1050	U.S. Design Patent No. D621,044
Ex. 1051	U.S. Design Patent No. D621,045
Ex. 1052	Transcript from the Deposition of Katherine Voyten in <i>Facet Technologies, LLC v. LifeScan, Inc.</i> , Case No. 2:22-cv-1717-MCS-MAR (C.D. Cal. Apr. 28, 2023) [FILED UNDER SEAL]
Ex. 1053	Facet Technologies, LLC's Proposed Trial Schedule and Supporting Memorandum, <i>Facet Technologies, LLC v. LifeScan, Inc.</i> , Case No. 2:22-cv-1717 (C.D. Cal. Sept. 13, 2023), ECF No. 276
Ex. 1054	Declaration of Jeff Homrig in Support of Facet Technologies, LLC's Proposed Trial Schedule and Supporting Memorandum, <i>Facet Technologies, LLC v. LifeScan, Inc.</i> , Case No. 2:22-cv-1717 (C.D. Cal. Sept. 13, 2023), ECF No. 276-2
Ex. 1055	Exhibit 1 to Declaration of Jeff Homrig in Support of Facet Technologies, LLC's Proposed Trial Schedule and Supporting Memorandum, <i>Facet Technologies, LLC v. LifeScan, Inc.</i> , Case No. 2:22-cv-1717 (C.D. Cal. Sept. 13, 2023), ECF No. 276-3

Ex. 1056	Facet Technologies, LLC's Tenth Supplemental Objections and Responses to LifeScan, Inc.'s First Set of Interrogatories (Nos. 9-10, 12-13), <i>Facet Technologies, LLC v. LifeScan, Inc.</i> , Case No. 2:22-cv-1717 (C.D. Cal. Feb. 20, 2024) [FILED UNDER SEAL]
Ex. 1057	Excerpts from Mary Berth Privitera, <i>Applied Human Factors in Medical Device Design</i> (1 st Ed. 2019) (Sections III and IV)
Ex. 1058	Transcript from the Deposition of John M. Collins, Ph.D., <i>LiferScan, Inc. v. Facet Technologies, LLC</i> , IPR2023-00712 (PTAB Mar. 5, 2024)
Ex. 1059	Exhibit 9 Identified during the Deposition of John M. Collins, Ph.D. in <i>Facet Technologies, LLC v. LifeScan, Inc.</i> , Case No. 2:22-cv-1717-MCS-MAR (C.D. Cal. July 6, 2023).
Ex. 1060	Declaration of An Le in Support of Unopposed Motion for Pro Hac Vice Admission
Ex. 1061	Petitioner LifeScan's Demonstratives

Dated: May 21, 2024

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 May 21, 2024, a true and correct copy of the foregoing **Petitioner's Updated Exhibit List and Exhibit 1061** were served via email upon Patent Owner's lead and backup counsel at the following email addresses:

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