

Filed on behalf of: Facet Technologies, LLC

Entered: September 6, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LIFESCAN, INC.,
Petitioner,

v.

FACET TECHNOLOGIES, LLC,
Patent Owner.

IPR2023-00712
Patent 8,840,635

PATENT OWNER'S UPDATED EXHIBIT LIST

Pursuant to 37 C.F.R. § 42.63(e), Patent Owner Facet Technologies, LLC respectfully submits the following current exhibit list:

Exhibit	Description
2001	Declaration of John M. Collins in support of the Patent Owner Preliminary Response (“Collins POPR Decl.”)
2002	<i>Curriculum Vitae</i> of John M. Collins
2003	Order re Joint Stipulation to Modify Schedule (ECF No. 65), <i>Facet Techs., LLC v. LifeScan, Inc.</i> , No. 2:22-cv-01717 (C.D. Cal. Sept. 21, 2022), ECF No. 68
2004	Order Regarding Motion to Stay Pending <i>Inter Partes</i> Review (ECF No. 129), <i>Facet Techs., LLC v. LifeScan, Inc.</i> , No. 2:22-cv-01717 (C.D. Cal. May 1, 2023), ECF No. 162
2005	Order Regarding Defendant’s Motion to Amend the Scheduling Order (ECF No. 130), and Parties’ Joint Stipulation to Amend the Scheduling Order (ECF No. 166), <i>Facet Techs., LLC v. LifeScan, Inc.</i> , No. 2:22-cv-01717 (C.D. Cal. May 4, 2023), ECF No. 171
2006	Order Regarding Motion to Strike LifeScan, Inc.’s Supplemental Invalidity Contention (ECF No. 172), <i>Facet Techs., LLC v. LifeScan, Inc.</i> , No. 2:22-cv-01717 (C.D. Cal. June 7, 2023), ECF No. 193
2007	Plaintiff Facet Technologies, LLC’s Notice of Motion for Summary Judgment of No Inequitable Conduct and No Incorrect Inventorship, <i>Facet Techs., LLC v. LifeScan, Inc.</i> , No. 2:22-cv-01717 (C.D. Cal. May 29, 2023), ECF No. 189
2008	Defendant LifeScan, Inc.’s Notice of Motion for Summary Judgment of Invalidity of Claims 6, 8, 14 and 18, <i>Facet Techs., LLC v. LifeScan, Inc.</i> , No. 2:22-cv-01717 (C.D. Cal. May 29, 2023), ECF No. 190

Exhibit	Description
2009	Memorandum of Points and Authorities in Support of LifeScan, Inc.'s Motion for Summary Judgment of Invalidity, <i>Facet Techs., LLC v. LifeScan, Inc.</i> , No. 2:22-cv-01717 (C.D. Cal. May 29, 2023), ECF No. 190-1
2010	Opening Expert Report of Joel Delman Regarding Invalidity of U.S. Patent No. 8,840,635, <i>Facet Techs., LLC v. LifeScan, Inc.</i> , No. 2:22-cv-01717 (C.D. Cal. June 7, 2023)
2011	U.S. District Courts, National Judicial Caseload Profile (as of Dec. 31, 2023)
2012	Daniel S. Hong Disclaimer in Patent Under 37 C.F.R. 1.321(a) regarding Claims 1-5, <i>Facet Techs., LLC</i> , U.S. Patent No. 8,840,635, signed June 14, 2023 (U.S. Pat. & Trademark Dkt. No. 2G02.1-453)
2013-2020	RESERVED
2021	Order Regarding LifeScan's Motion for Summary Judgment [ECF No. 190], <i>Facet Techs., LLC v. LifeScan, Inc.</i> , No. 2:22-cv-01717 (C.D. Cal. July 27, 2023), ECF No. 224
2022	U.S. Patent No.4,259,792 ("Halberstadt")
2023	LifeScan, Inc.'s Third Supplemented Objections and Responses to Facet Technologies, LLC's First Set of Interrogatories (Response to No. 3), <i>Facet Techs., LLC v. LifeScan, Inc.</i> , No. 2:22-cv-01717 (C.D. Cal. May 26, 2023) (CONFIDENTIAL)
2024	Deposition transcript of Gregory A. Lamps, <i>Facet Techs., LLC v. LifeScan, Inc.</i> , No. 2:22-cv-01717 (C.D. Cal. May 25, 2023) ("Lamps Dep.") (CONFIDENTIAL)
2025	Deposition transcript of Joel Delman, <i>Facet Techs., LLC v. LifeScan, Inc.</i> , No. 2:22-cv-01717 (C.D. Cal. July 7, 2023) ("Delman Dist. Ct. Dep.")

Exhibit	Description
2026	BD Medical, <i>BD Ultra-Fine Lancets — A Difference You Can See and Feel</i> (June 2007), https://www.bd.com/resource.aspx?IDX=4437 (English & French versions)
2027	Centers for Disease Control & Prevention (CDC), <i>Diabetes: Monitoring Your Blood Sugar</i> (CDC last review Dec. 30, 2022), https://www.cdc.gov/diabetes/managing/managing-blood-sugar/bloodglucosemonitoring.html (last visited Dec. 13.2023, 5:27 AM)
2028	Deposition transcript of Joel Delman, <i>LifeScan, Inc. v. Facet Techs., LLC</i> , IPR2023-00712 (P.T.A.B. Dec. 5, 2023) (“Delman IPR Dep.”)
2029	Bettina Barisch-Fritz et al., <i>Evaluation of the Rule-of-Thumb: Calculation of the Toe Allowance for Developing Feet</i> , FOOTWEAR SCI. 1 (2016), https://www.tandfonline.com/doi/full/10.1080/19424280.2016.1144654
2030	Facet P&L [produced in <i>Facet Techs., LLC v. LifeScan, Inc.</i> , No. 2:22-cv-01717 (C.D. Cal.), FACET_532894] (HIGHLY CONFIDENTIAL – AEO & REDACTED VERSIONS)
2031	RESERVED
2032	<i>Lateral</i> , MERRIAM-WEBSTER.COM, https://www.merriam-webster.com/dictionary/lateral (last visited Dec. 10, 2023, 2:16 PM)
2033	<i>Lateral Orientation</i> , MEDLINEPLUS MED. ENCYC., https://medlineplus.gov/ency/imagepages/9505.htm (last visited Dec. 10, 2023, 2:49 PM)
2034	U.S. Food & Drug Administration (FDA) letter to James Bonds of Facet Technologies, LLC, dated July 15, 2022, Re: Trade/Device Name: Facet 28G Universal Lancet, Regulation Number: 21 CFR 878.4850, Regulation Name: Blood Lancets, Regulatory Class: Class II, Product Code: QRK, QRL, Dated: May 16, 2022, Received: May 17, 2022

Exhibit	Description
2035	Certification & Notice of Interested Parties (Local Rule 7.1-1), <i>Facet Techs., LLC v. LifeScan, Inc.</i> , No. 2:22-cv-01717 (C.D. Cal. May 18, 2022), ECF No. 46
2036	Mass. Inst. Tech. (MIT), Design And Manufacturing I, Undergraduate Course (Spring 2009), DESIGN HANDBOOK: ENGINEERING DRAWING AND SKETCHING, MIT (2001-2023)
2037	RESERVED
2038	<i>Cylinder</i> , OXFORD ENGLISH DICTIONARY, OED.COM, https://www.oed.com/dictionary/cylinder_n?tab=meaning_and_use&tl=true#7621109 (last visited Dec. 1, 2023, 7:38 PM)
2039	<i>Span</i> , MERRIAM-WEBSTER.COM, https://www.merriam-webster.com/dictionary/span (last visited Dec. 10, 2023, 3:49 PM)
2040	LifeScan P&L [produced in <i>Facet Techs., LLC v. LifeScan, Inc.</i> , No. 2:22-cv-01717 (C.D. Cal.), (LSI0000245820.xlsx)] (HIGHLY CONFIDENTIAL – AEO)
2041	<i>Thickness</i> , MERRIAM-WEBSTER.COM, https://www.merriam-webster.com/dictionary/thickness (last visited Dec. 10, 2023, 2:23 PM)
2042	<i>Transverse</i> , MERRIAM-WEBSTER.COM, https://www.merriam-webster.com/dictionary/transverse (last visited Dec. 10, 2023, 2:19 PM)
2043	<i>Anatomy of the Hand</i> , Johns Hopkins Medicine, https://www.hopkinsmedicine.org/health/treatment-tests-and-therapies/anatomy-of-the-hand (last visited Dec. 14, 2023, 10:01 AM)
2044	Asahi email exchanges <i>Facet Techs., LLC v. LifeScan, Inc.</i> , No. 2:22-cv-01717 (C.D. Cal.), ASA08257–8260] (CONFIDENTIAL)

Exhibit	Description
2045	Asahi PowerPoint [produced in <i>Facet Techs., LLC v. LifeScan, Inc.</i> , No. 2:22-cv-01717 (C.D. Cal.), ASA258968–258969] (HIGHLY CONFIDENTIAL – AEO)
2046	LifeScan IP Holdings, LLC, <i>OneTouch® Delica® Plus Lancing Device: Frequently Asked Questions (FAQ) Guide</i> (2019) [produced in <i>Facet Techs., LLC v. LifeScan, Inc.</i> , No. 2:22-cv-01717 (C.D. Cal.), FACET_002122–2126]
2047	LifeScan IP Holdings, LLC, <i>Getting Started Guide: OneTouch® Delica® Plus Lancing Device</i> (2019) [produced in <i>Facet Techs., LLC v. LifeScan, Inc.</i> , No. 2:22-cv-01717 (C.D. Cal.), FACET_002127–2128]
2048	LifeScan IP Holdings, LLC, <i>Lancets – 33 Gauge OneTouch® Delica® Plus Lancets OneTouch Solutions</i> (Mar. 11, 2022), https://shop.onetouch.com/onetouch-delica-plus-lancets-33g/product/OTSUS01_0014 (last visited Jan. 5, 2023, 16:47:17 GMT) [produced in <i>Facet Techs., LLC v. LifeScan, Inc.</i> , No. 2:22-cv-01717 (C.D. Cal.), FACET_002129–2131]
2049	LifeScan IP Holdings, LLC, <i>OneTouch® Delica® Plus Lancets - 30 Gauge OneTouch Solutions</i> (Mar. 11, 2022), https://shop.onetouch.com/onetouch-delica-plus-lancets-30g/product/OTSUS01_0008 (last visited Jan. 5, 2023, 16:47:19 GMT) [produced in <i>Facet Techs., LLC v. LifeScan, Inc.</i> , No. 2:22-cv-01717 (C.D. Cal.), FACET_002132–2134]
2050	Email exchanges between Facet and Asahi [produced in <i>Facet Techs., LLC v. LifeScan, Inc.</i> , No. 2:22-cv-01717 (C.D. Cal.), LSI0000003603–3604] (CONFIDENTIAL)
2051	Email exchanges between Facet and Asahi [produced in <i>Facet Techs., LLC v. LifeScan, Inc.</i> , No. 2:22-cv-01717 (C.D. Cal.), LSI0000003605–3607] (CONFIDENTIAL)
2052	LifeScan Agreement [produced in <i>Facet Techs., LLC v. LifeScan, Inc.</i> , No. 2:22-cv-01717 (C.D. Cal.), LifeScan000001–14] (CONFIDENTIAL)

Exhibit	Description
2053	<i>Wire-Twist™ Wire Connectors: Models WT1, WT2, WT3, WT4, WT6</i> (Product Fact Sheet), Ideal Industries, Inc.
2054	Japan Patent Office, Patent Publication (B2), No. 3621502 (“Morita”)
2055	Karl Warsi, SIMPLY MATHS 101 (Michael Clark et al. eds. 2022) (excerpt)
2056	Declaration of John M. Collins in support of the Patent Owner Response (“Collins POR Decl.”)
2057	Answer to Complaint, <i>Facet Techs., LLC v. LifeScan, Inc.</i> , No. 2:22-cv-01717 (C.D. Cal. May 11, 2022), ECF No. 42
2058	Facet Supply Agreement [produced in <i>Facet Techs., LLC v. LifeScan, Inc.</i> , No. 2:22-cv-01717 (C.D. Cal.), FACET_00005340] (CONFIDENTIAL)
2059	Declaration of Don Colter Regarding Facet P&L (Ex.2030) [<i>served, not filed</i>]
2060	Declaration of Susan Y. Tull in Response to Petitioner’s Objections to Patent Owner’s Exhibits [<i>served, not filed</i>]
2061	[Executed] Deposition Transcript of Joel Delman, <i>Facet Techs., LLC v. LifeScan, Inc.</i> , No. 2:22-cv-01717 (C.D. Cal. July 7, 2023) (signed January 4, 2024) [<i>served, not filed</i>]
2062	Errata Sheet and Acknowledgement of Deponent for Deposition Transcript of Joel Delman, <i>LifeScan, Inc. v. Facet Techs., LLC</i> , IPR2023-00712 (P.T.A.B. Dec. 5, 2023) (signed December 30, 2023) [<i>served, not filed</i>]
2063	Errata Sheet and Certificate of Deponent for Deposition Transcript of Gregory A. Lamps, <i>Facet Techs., LLC v. LifeScan, Inc.</i> , No. 2:22-cv-01717 (C.D. Cal. May 25, 2023) (signed January 4, 2024) [<i>served, not filed</i>]

Exhibit	Description
2064	Deposition transcript of Joel Delman, <i>LifeScan, Inc. v. Facet Techs., LLC</i> , IPR2023-00712 (P.T.A.B. Apr. 25, 2024) (“Delman IPR Dep. II”)
2065	Deposition transcript of Paul Hatch, <i>LifeScan, Inc. v. Facet Techs., LLC</i> , IPR2023-00712 (P.T.A.B. Apr. 10, 2024) (“Hatch Dep.”)
2066	Joint Proposed Protective Order

Respectfully submitted,

Dated: September 6, 2024

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on this 6th day of September, 2024, a true and correct copy of the foregoing **Patent Owner's Updated Exhibit List and Exhibit 2066** were served by electronic mail on Petitioner's lead and backup counsel at the following email addresses:

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