UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AVANOS MEDICAL, INC.,

Petitioner,

v.

STRATUS MEDICAL, LLC,

Patent Owner.

Case IPR2024-01212
Patent 10,952,664

PETITIONER'S OBJECTIONS TO EVIDENCE SERVED JUNE 2, 2025

Pursuant to 37 C.F.R. § 42.64(b), Petitioner Avanos Medical, Inc. objects to the admissibility of evidence filed and served by Patent Owner Stratus Medical, LLC with its Patent Owner's Response. Petitioner's objections are identified in the table below with reference to the Federal Rules of Evidence ("FRE"). Petitioner's objections are being served and filed within 5 business days from Patent Owner's service of the evidence below.

Patent Owner Exhibit	Petitioner's Objections
Ex. 2001 - Decl. of Prof. Marc Russo (May 21, 2025)	**FRE 402, 403:** Petitioner objects to the following paragraphs of this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403 because they have no tendency to make any consequential fact more or less probable: • ¶¶ 4, 43, 44 (discussing litigation in Australia) • ¶¶45-46, 48-75, 77, 81-82, 84, 137, 139-141, 143-146, 148-150, 153, 155-157, 162-171, 185, 195-196, 198-200, 202-216, 229, 237-238, 240, 246-276 (not referenced, relied upon, or otherwise explained in the Patent Owner Response) **FRE 802**: To the extent they are being offered to prove the truth of the matter asserted, Petitioner objects to the following paragraphs of this exhibit as being inadmissible hearsay: ¶¶145-147. Petitioner further objects to this exhibit under 37 C.F.R. § 42.6(c), as the declaration cites "evidence" that has not

	been filed in the form of an exhibit. Specifically, the declaration cites evidence in paragraphs 86-88, 98, 112, 118, 120-122, 124, 126 (and in the figures provided therewith) that have not been included as exhibits. Petitioner also objects to the evidence cited in these paragraphs under Fed. R. Evid. 901 for failure to identify the evidence.
Ex. 2003 - Robert E. Wright, *RF Ablation in Interventional Pain Management Using RF Multitined Expandable Electrode*, 1st Ed, Preface (n.d.)	**FRE 106:** Petitioner objects to this exhibit as it appears to be an incomplete excerpt of a longer document.
Ex. 2006 - Decl. of Peter Crosby (May 22, 2025)	**FRE 402, 403:** Petitioner objects to the following paragraphs of this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403 because they have no tendency to make any consequential fact more or less probable: • ¶¶25, 26 (discussing litigation in Australia) • ¶¶28-44, 46, 50, 52, 55-57, 59-94, 96-97, 99-109, 113-152, 154-160, 176-181, 202, 204-212, 214-215, 218-220, 272, 274-275, 283-288, 291, 293-294 (not referenced, relied upon, or otherwise explained in the Patent Owner Response) **FRE 802**: To the extent they are being offered to prove the truth of the matter asserted, Petitioner objects to the following paragraphs of this exhibit as being inadmissible hearsay: ¶¶55, 56, 231-233, 239, 250, 278, 279.

	Petitioner further objects to this exhibit under 37 C.F.R. § 42.6(c), as the declaration cites "evidence" that has not been filed in the form of an exhibit. Specifically, the declaration cites evidence in paragraph 250 that has not been included as an exhibit. Petitioner also objects to the evidence cited in this paragraph under Fed. R. Evid. 901 for failure to identify the evidence.
Ex. 2008 - Claim Charts for Stratus's Nimbus Device	**FRE 901:** Petitioner objects to this exhibit as not authenticated. Patent Owner has not produced evidence sufficient to support a finding that the exhibit is what Patent Owner claims it is.
Ex. 2009 - FDA 510(k) Approval No. K121858, *The Acessa System* (Nov. 5, 2012)	**FRE 402, 403:** Petitioner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403 because it has no tendency to make any consequential fact more or less probable. **FRE 802**: To the extent it is being offered to prove the truth of the matter asserted, Petitioner objects to this exhibit as being inadmissible hearsay. **FRE 901:** Petitioner objects to this exhibit as not authenticated. Patent Owner has not produced evidence sufficient to support a finding that the exhibit is what Patent Owner claims it is.
Ex. 2010 - Acessa Health Inc., *Acessa ProVu System User's Guide*, CO 20-11 Revision: B	**FRE 402, 403:** Petitioner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403 because it has no tendency to make any consequential fact more or less probable.

	FRE 802: To the extent it is being offered to prove the truth of the matter asserted, Petitioner objects to this exhibit as being inadmissible hearsay. **FRE 901:** Petitioner objects to this exhibit as not authenticated. Patent Owner has not produced evidence sufficient to support a finding that the exhibit is what Patent Owner claims it is.
Ex. 2014 - Orders, *Stratus Medical LLC v. Diros Technology Inc.*, Federal Court of Australia No. NSD 438 of 2019 (Oct. 28, 2021)	**FRE 402, 403:** Petitioner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403 because it has no tendency to make any consequential fact more or less probable.
Ex. 2015 - Decl. of Cody Jorgensen (May 22, 2025) ("Jorgensen Decl.") PROTECTIVE ORDER MATERIAL—OUTSIDE COUNSEL ONLY	**FRE 402, 403:** Petitioner objects to the following paragraphs of this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403 because they have no tendency to make any consequential fact more or less probable. • ¶¶6, 31, 43-46 (discussing Australia litigation) • ¶¶7-10, 13, 16, 18, 21, 23, 25-26, 28-31, 41, 47, 52-53 (not referenced, relied upon, or otherwise explained in the Patent Owner Response) **FRE 802**: To the extent they are being offered to prove the truth of the matter asserted, Petitioner objects to the following paragraphs (and the figures provided therewith) of this exhibit as being inadmissible hearsay:

	• ¶¶16-27, 47 (discussing RFA cannula market) • ¶¶39-42 (discussing Diros 510(k)) • ¶48 (discussing Avanos COOLIEF* product) • ¶51 (discussing acquisition of Diros) • ¶¶54-55 (discussing alleged praise) **FRE 602:** Petitioner objects to the following paragraphs (and the figures provided therewith) of this exhibit. Patent Owner has not introduced evidence sufficient to support a finding that the witness has personal knowledge of the matters referenced in these paragraphs and figures: • ¶¶16-27, 47 (discussing RFA cannula market) • ¶¶39-42 (discussing Diros 510(k)) • ¶48 (discussing Avanos COOLIEF* product) • ¶51 (discussing acquisition of Diros) • ¶¶54-55 (discussing alleged praise)
Ex. 2016 - Public Redacted Version of Ex. 2015	Petitioner asserts the same objections indicated above for Ex. 2015 with respect to this exhibit.
Ex. 2019 - FDA 510(k) Approval No. 150371, *Diros OWL Sterile Single Use Trident™ R.F. Insulated Cannulae Models DTR and DTRH* (Jul. 30, 2015)	**FRE 802**: To the extent it is being offered to prove the truth of the matter asserted, Petitioner objects to this exhibit as being inadmissible hearsay.
Ex. 2020 - Transcript of Deposition of Dr. Robert Tucker (May 7, 2025) ("Tucker Dep. Tr.")	Petitioner hereby repeats and incorporates by reference all its objections stated on the record during the deposition of Dr. Tucker, and affirmatively maintains all

	such objections with respect to this exhibit.
Ex. 2021 - Wikipedia, *Gabor B. Racz*, https://en.wikipedia.org/wiki/Gabor_B._Racz (last accessed May 16, 2025)	**FRE 802**: To the extent it is being offered to prove the truth of the matter asserted, Petitioner objects to this exhibit as being inadmissible hearsay. **FRE 901:** Petitioner objects to this exhibit as not authenticated. Patent Owner has not produced evidence sufficient to support a finding that the exhibit is what Patent Owner claims it is.
Ex. 2022 - PainCast, *Philip Finch*, https://paincast.com/doctors/philipfinch/?pod_page=1&post_page=1&articles_page=1&books_page=1 (last accessed May 16, 2025)	**FRE 106:** Petitioner objects to this exhibit as it appears to be an incomplete excerpt of a longer document. **FRE 802**: To the extent it is being offered to prove the truth of the matter asserted, Petitioner objects to this exhibit as being inadmissible hearsay. **FRE 901:** Petitioner objects to this exhibit as not authenticated. Patent Owner has not produced evidence sufficient to support a finding that the exhibit is what Patent Owner claims it is.
Ex. 2023 - Orthopedic One, *William Fitz, M.D.*, https://www.orthopedicone.com/our-physicians/william-fitz (last accessed May 16, 2025)	**FRE 802**: To the extent it is being offered to prove the truth of the matter asserted, Petitioner objects to this exhibit as being inadmissible hearsay. **FRE 901:** Petitioner objects to this exhibit as not authenticated. Patent Owner has not produced evidence sufficient to support a finding that the exhibit is what Patent Owner claims it is.
Ex. 2024 - Dr. Bruce B. Lee, *Meet the Inventor of Accessa*, https://bruceleemd.com	**FRE 802**: To the extent it is being offered to prove the truth of the matter asserted,

/meet-acessa-inventor/ (last accessed May 16, 2025)	Petitioner objects to this exhibit as being inadmissible hearsay. **FRE 901:** Petitioner objects to this exhibit as not authenticated. Patent Owner has not produced evidence sufficient to support a finding that the exhibit is what Patent Owner claims it is.
Ex. 2025 - Stratus Medical, *Stratus Medical Ranked Number 483 Fastest-Growing Company in North America on the 2024 Deloitte Technology Fast 500™* (Nov. 21, 2024)	**FRE 802**: To the extent it is being offered to prove the truth of the matter asserted, Petitioner objects to this exhibit as being inadmissible hearsay.
Ex. 2026 - Stratus Medical, *Stratus® Medical was recognized in Malibu, CA this week by the Pepperdine Most Fundable Companies List* (last accessed May 16, 2025)	**FRE 802**: To the extent it is being offered to prove the truth of the matter asserted, Petitioner objects to this exhibit as being inadmissible hearsay.
Ex. 2027 - Chris Newmarker, *The 10 largest medical device companies*, MassDevice (Sept. 4, 2024)	**FRE 802**: To the extent it is being offered to prove the truth of the matter asserted, Petitioner objects to this exhibit as being inadmissible hearsay. **FRE 901:** Petitioner objects to this exhibit as not authenticated. Patent Owner has not produced evidence sufficient to support a finding that the exhibit is what Patent Owner claims it is.
Ex. 2030 - MarketScreener, *Avanos Medical, Inc. completed the acquisition of Diros Technology Inc. for $60 million* (Jul. 23, 2023)	**FRE 802**: To the extent it is being offered to prove the truth of the matter asserted, Petitioner objects to this exhibit as being inadmissible hearsay. **FRE 901:** Petitioner objects to this exhibit as not authenticated. Patent Owner has not produced evidence sufficient to support a finding that the exhibit is what Patent Owner claims it is.

Respectfully submitted,

Dated: June 2, 2025

/Christopher B. Kelly/
Christopher B. Kelly (Reg. No. 62,573)
Lead Counsel for Petitioner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e) and 42.105, the undersigned certifies that true and correct copies of the foregoing Petitioner's Objections to Evidence were served via electronic mail to the following attorneys of record for Patent Owner:

Daniel Higgs:	dhiggs@mvhg.legal
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