

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ABBOTT LABORATORIES,

Petitioner,

v.

MIRACOR MEDICAL SA,

Patent Owner.

IPR2025-00114
Patent 11,572,879

**PATENT OWNER MIRACOR MEDICAL SA'S
OBJECTION TO PETITIONER'S DEMONSTRATIVE**

Pursuant to the Board's Order Setting Oral Argument (Paper 38), Patent Owner Miracor Medical SA files the following objection to Petitioner's Hearing Demonstratives (Ex. 1054). The parties were unable to resolve this objection after meeting and conferring.

Patent Owner objects to the entire page/slide 38 of Exhibit 1054 (reproduced below), which presents new argument based on new evidence not previously discussed in any paper of record (*see* Paper 38 at 3-4 (prohibiting same, citing authorities)), including redirect testimony beyond the scope of Dr. Wieselthaler's direct testimony and cross-examination (37 C.F.R. § 42.53(d)(5)(ii)).

Deposition of Petitioner's Reply Expert Dr. Wieselthaler:

Ex. 2028 (Wieselthaler Tr.), 84:1-85:7

Q. Can you turn back to Exhibit 1015?

...

A: [Ex.1015] is not a journal article. **This is an abstract, you know, for a presentation** at the ASAIO meeting, you know, in 2004

Ex. 2028 (Wieselthaler Tr.), 84:1-85:7

Q: My question was, what is the basis of your statement that everybody knew how the HeartWare HVAD pump looked?

...

A: Okay. So since, actually, **in 2004 Jeff LaRose, you know, was presenting the shape and the size, you know, of the pump of the HeartWare HVAD pump,** you know, at that size -- at that time, it was more or less, you know, evident, you know, to the community, you know, that HeartWare is working on such a pump, you know, with a small size, you know. ... But the pump -- the frozen design of the pump, you know, was around **beginning of 2004, and that's the reason why Jeff LaRose actually could present it at the ASAIO meeting**

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Ex. 1054
IPR2025-00114 **38**

IPR2025-00114 (Patent 11,572,879)
Patent Owner's Objection to Demonstrative

Respectfully submitted,

Date: March 4, 2026

/Joshua P. Larsen/

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on this 4th day of March 2026, I caused a true and correct copy of the foregoing PATENT OWNER MIRACOR MEDICAL SA'S OBJECTION TO PETITIONER'S DEMONSTRATIVE to be served via e-mail on the following counsel for Petitioner:

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