UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ABBOTT LABORATORIES,

Petitioner,

v.

MIRACOR MEDICAL SA,

Patent Owner.

IPR2025-00115
Patent 11,674,517

PATENT OWNER MIRACOR MEDICAL SA'S OBJECTIONS TO EVIDENCE SERVED WITH PETITIONER'S REPLY

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Miracor Medical SA respectfully submits the following objections to evidence served with Petitioner's Reply on December 22, 2025.

I. EXHIBIT 1033

Patent Owner objects to Exhibit 1033 as lacking relevance to any ground upon which trial was instituted. Fed. R. Evid. 401, 402. Patent Owner also objects to Exhibit 1033 because its probative value, if any, is substantially outweighed by the dangers of confusing the issues, causing undue delay, and wasting time in this trial. Fed. R. Evid. 403. Patent Owner further objects to Exhibit 1033 as hearsay to the extent Petitioner relies on statements in Exhibit 1033 to prove the truth of the matter(s) asserted in those statements. FED. R. EVID. 801, 802, 805.

II. EXHIBIT 1034

Patent Owner objects to Exhibit 1034 as lacking relevance to any ground upon which trial was instituted. Fed. R. Evid. 401, 402. Patent Owner also objects to Exhibit 1034 because its probative value, if any, is substantially outweighed by the dangers of confusing the issues, causing undue delay, and wasting time in this trial. Fed. R. Evid. 403. Patent Owner further objects to Exhibit 1034 as hearsay to the extent Petitioner relies on statements in Exhibit 1034 to prove the truth of the matter(s) asserted in those statements. FED. R. EVID. 801, 802, 805.

III. EXHIBIT 1035

Patent Owner objects to Exhibit 1035 as lacking relevance to any ground upon which trial was instituted. Fed. R. Evid. 401, 402. Patent Owner also objects to Exhibit 1035 because its probative value, if any, is substantially outweighed by the dangers of confusing the issues, causing undue delay, and wasting time in this trial. Fed. R. Evid. 403. Patent Owner further objects to Exhibit 1035 as hearsay to the extent Petitioner relies on statements in Exhibit 1035 to prove the truth of the matter(s) asserted in those statements. FED. R. EVID. 801, 802, 805.

IV. EXHIBIT 1036

Patent Owner objects to Exhibit 1036 as lacking relevance to any ground upon which trial was instituted. Fed. R. Evid. 401, 402. Patent Owner also objects to Exhibit 1036 because its probative value, if any, is substantially outweighed by the dangers of confusing the issues, causing undue delay, and wasting time in this trial. Fed. R. Evid. 403.

V. EXHIBIT 1038

Patent Owner objects to Exhibit 1038 as lacking relevance to any ground upon which trial was instituted. Fed. R. Evid. 401, 402. Patent Owner further objects to Exhibit 1038 because its probative value, if any, is substantially

outweighed by the dangers of confusing the issues, causing undue delay, and wasting time in this trial. Fed. R. Evid. 403.

Patent Owner also objects to Exhibit 1038 as lacking authentication because Petitioner has not produced evidence sufficient to support a finding that Exhibit 1038 is a true and correct copy of the abstract "Heartware – A Novel Miniaturized Passive Maglev Centrifugal VAD" purportedly published in 2004. FED. R. EVID. 901. Patent Owner further objects to Exhibit 1038 as hearsay to the extent Petitioner relies on statements in Exhibit 1038 to prove the truth of the matter(s) asserted in those statements. FED. R. EVID. 801, 802, 805.

VI. EXHIBIT 1039

Patent Owner objects to Exhibit 1039 as lacking relevance to any ground upon which trial was instituted. Fed. R. Evid. 401, 402. Patent Owner also objects to Exhibit 1039 because its probative value, if any, is substantially outweighed by the dangers of confusing the issues, causing undue delay, and wasting time in this trial. Fed. R. Evid. 403. Patent Owner further objects to Exhibit 1039 as hearsay to the extent Petitioner relies on statements in Exhibit 1039 to prove the truth of the matter(s) asserted in those statements. FED. R. EVID. 801, 802, 805.

VII. EXHIBIT 1041

Patent Owner objects to Exhibit 1041 because there is insufficient evidence that Dr. Wieselthaler "is qualified as an expert by knowledge, skill, experience, training, or education" in the relevant art. Fed. R. Evid. 702. As such, his opinions will not "help the trier of fact to understand the evidence or to determine a fact in issue." Fed. R. Evid. 702(a). Dr. Wieselthaler's testimony is not "based on sufficient facts or data." Fed. R. Evid. 702(b); *see also* 37 C.F.R. § 42.65(a), (b). Dr. Wieselthaler's testimony is also not "the product of reliable principles and methods." Fed. R. Evid. 702(c). Nor has he "reliably applied [such] principles and methods to the facts of the case." Fed. R. Evid. 702(d). Among other things, Dr. Wieselthaler bases his opinions on alleged prior art devices that are not a proper basis for inter partes review under 35 U.S.C. § 311(b).

To the extent Dr. Wieselthaler offers any of his opinions as a lay witness (rather than an expert witness), Patent Owner objects to his testimony as improper opinion testimony. Fed. R. Evid. 701. Patent Owner further objects to Exhibit 1041 because there is insufficient evidence "to support a finding that [Dr. Wieselthaler] has personal knowledge of" the matters to which he testifies. Fed. R. Evid. 602.

Patent Owner also objects to Exhibit 1041 and to Dr. Wieselthaler's opinions stated therein to the extent they are based upon other inadmissible

evidence. As noted above, Dr. Wieselthaler's opinions are based on alleged prior art devices that are not a proper basis for inter partes review under 35 U.S.C. § 311(b). Such evidence lacks relevance to any ground upon which trial was instituted and its probative value, if any, is substantially outweighed by the dangers of confusing the issues, causing undue delay, and wasting time in this trial. Fed. R. Evid. 401, 402, 403.

VIII. EXHIBIT 1042

Patent Owner objects to Exhibit 1042 because there is insufficient evidence that Mr. Crosby "is qualified as an expert by knowledge, skill, experience, training, or education" in the relevant art. Fed. R. Evid. 702. As such, his opinions will not "help the trier of fact to understand the evidence or to determine a fact in issue." Fed. R. Evid. 702(a). Mr. Crosby's testimony is not "based on sufficient facts or data." Fed. R. Evid. 702(b); *see also* 37 C.F.R. § 42.65(a), (b). Mr. Crosby's testimony is also not "the product of reliable principles and methods." Fed. R. Evid. 702(c). Nor has he "reliably applied [such] principles and methods to the facts of the case." Fed. R. Evid. 702(d). Among other things, Mr. Crosby bases his opinions on alleged prior art devices that are not a proper basis for inter partes review under 35 U.S.C. § 311(b).

To the extent Mr. Crosby offers any of his opinions as a lay witness (rather than an expert witness), Patent Owner objects to his testimony as improper opinion testimony. Fed. R. Evid. 701. Patent Owner further objects to Exhibit 1042 because there is insufficient evidence "to support a finding that [Mr. Crosby] has personal knowledge of" the matters to which he testifies. Fed. R. Evid. 602.

Patent Owner also objects to Exhibit 1042 and to Mr. Crosby's opinions stated therein to the extent they are based upon other inadmissible evidence. As noted above, Mr. Crosby's opinions are based on alleged prior art devices that are not a proper basis for inter partes review under 35 U.S.C. § 311(b). Such evidence lacks relevance to any ground upon which trial was instituted and its probative value, if any, is substantially outweighed by the dangers of confusing the issues, causing undue delay, and wasting time in this trial. Fed. R. Evid. 401, 402, 403.

IX. EXHIBIT 1043

Patent Owner objects to Exhibit 1043 as hearsay to the extent Petitioner relies on statements in Exhibit 1043 to prove the truth of the matter(s) asserted in those statements. FED. R. EVID. 801, 802, 805.

X. EXHIBIT 1044

Patent Owner objects to Exhibit 1044 as lacking relevance to any ground upon which trial was instituted. Fed. R. Evid. 401, 402. Patent Owner also objects

to Exhibit 1044 because its probative value, if any, is substantially outweighed by the dangers of confusing the issues, causing undue delay, and wasting time in this trial. Fed. R. Evid. 403. Exhibit 1044 is not a proper basis for inter partes review under 35 U.S.C. § 311(b).

Patent Owner objects to Exhibit 1044 as lacking authentication because Petitioner has not produced evidence sufficient to support a finding that Exhibit 1044 is a true and correct copy of the document "HeartWare Announcement: First Human Implant of HeartWare's HVAD," purportedly published in March 2006. FED. R. EVID. 901. Patent Owner further objects to Exhibit 1044 as hearsay to the extent Petitioner relies on statements in Exhibit 1044 to prove the truth of the matter(s) asserted in those statements. FED. R. EVID. 801, 802, 805.

XI. EXHIBIT 1046

Patent Owner objects to Exhibit 1046 as lacking relevance to any ground upon which trial was instituted. Fed. R. Evid. 401, 402. Patent Owner also objects to Exhibit 1046 because its probative value, if any, is substantially outweighed by the dangers of confusing the issues, causing undue delay, and wasting time in this trial. Fed. R. Evid. 403. Exhibit 1045 is not a proper basis for inter partes review under 35 U.S.C. § 311(b).

Patent Owner objects to Exhibit 1046 as lacking authentication because Petitioner has not produced evidence sufficient to support a finding that Exhibit 1046 is a true and correct copy of the article "Third-generation Blood Pumps With Mechanical Noncontact Magnetic Bearings," purportedly published in 2006. FED. R. EVID. 901. Patent Owner further objects to Exhibit 1046 as hearsay to the extent Petitioner relies on statements in Exhibit 1046 to prove the truth of the matter(s) asserted in those statements. FED. R. EVID. 801, 802, 805.

XII. EXHIBIT 1047

Patent Owner objects to Exhibit 1047 as hearsay to the extent Petitioner relies on statements in Exhibit 1047 to prove the truth of the matter(s) asserted in those statements. FED. R. EVID. 801, 802, 805.

XIII. EXHIBIT 1048

Patent Owner objects to Exhibit 1048 as lacking relevance to any ground upon which trial was instituted. Fed. R. Evid. 401, 402. Patent Owner also objects to Exhibit 1048 because its probative value, if any, is substantially outweighed by the dangers of confusing the issues, causing undue delay, and wasting time in this trial. Fed. R. Evid. 403. Exhibit 1048 is not a proper basis for inter partes review under 35 U.S.C. § 311(b).

Patent Owner objects to Exhibit 1048 as lacking authentication because Petitioner has not produced evidence sufficient to support a finding that Exhibit 1048 is a true and correct copy of the document "FEP Medical Policy Manual, Total Artificial Hearts and Implantable Ventricular Assist Devices," purportedly published in January 2024. FED. R. EVID. 901. Patent Owner further objects to Exhibit 1048 as hearsay to the extent Petitioner relies on statements in Exhibit 1048 to prove the truth of the matter(s) asserted in those statements. FED. R. EVID. 801, 802, 805.

XIV. EXHIBIT 1049

Patent Owner objects to Exhibit 1049 as lacking relevance to any ground upon which trial was instituted. Fed. R. Evid. 401, 402. Patent Owner also objects to Exhibit 1049 because its probative value, if any, is substantially outweighed by the dangers of confusing the issues, causing undue delay, and wasting time in this trial. Fed. R. Evid. 403. Exhibit 1049 is not a proper basis for inter partes review under 35 U.S.C. § 311(b).

Patent Owner objects to Exhibit 1049 as lacking authentication because Petitioner has not produced evidence sufficient to support a finding that Exhibit 1049 is a true and correct copy of the article "My Journey with the HeartWare Ventricular Assist Device- An Obituary," purportedly published in 2022. FED. R.

EVID. 901. Patent Owner further objects to Exhibit 1049 as hearsay to the extent Petitioner relies on statements in Exhibit 1049 to prove the truth of the matter(s) asserted in those statements. FED. R. EVID. 801, 802, 805.

XV. EXHIBIT 1050

Patent Owner objects to Exhibit 1050 as lacking relevance to any ground upon which trial was instituted. Fed. R. Evid. 401, 402. Patent Owner also objects to Exhibit 1050 because its probative value, if any, is substantially outweighed by the dangers of confusing the issues, causing undue delay, and wasting time in this trial. Fed. R. Evid. 403. Exhibit 1050 is not a proper basis for inter partes review under 35 U.S.C. § 311(b).

Patent Owner objects to Exhibit 1050 as lacking authentication because Petitioner has not produced evidence sufficient to support a finding that Exhibit 1050 is a true and correct copy of the article "The MicroMed DeBakey VAD—Part I; The Pump and the Blood Flow," purportedly published in 2003. FED. R. EVID. 901. Patent Owner further objects to Exhibit 1050 as hearsay to the extent Petitioner relies on statements in Exhibit 1050 to prove the truth of the matter(s) asserted in those statements. FED. R. EVID. 801, 802, 805.

Respectfully submitted,

Date: January 2, 2026

/Joshua P. Larsen/

Joshua P. Larsen
Reg. No. 62,761

Lead Counsel for Patent Owner
Miracor Medical SA

Barnes & Thornburg LLP
11 South Meridian Street
Indianapolis, Indiana 46204
Telephone: (317) 231-6422
Facsimile: (317) 231-7433
E-mail: joshua.larsen@btlaw.com

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on this 2d day of January 2026, I caused a true and correct copy of the foregoing PATENT OWNER MIRACOR MEDICAL SA'S OBJECTIONS TO EVIDENCE SERVED WITH PETITIONER'S REPLY to be served via e-mail on the following counsel for Petitioner:

Scott M. Border
sborder@winston.com
Charles B. Klein
cklein@winston.com
Saranya Raghavan
sraghavan@winston.com
Nimalka R. Wickramasekera
nwickramasekra@winston.com

/Joshua P. Larsen/
Joshua P. Larsen
Reg. No. 62,761

Lead Counsel for Patent Owner
Miracor Medical SA