

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MEDTRONIC, INC. and MEDTRONIC VASCULAR, INC.,
Petitioner,

v.

ENDOTACH, LLC,
Patent Owner.

Case IPR2014-00100
Patent 5,593,417

Before JACQUELINE WRIGHT BONILLA, MICHAEL J. FITZPATRICK,
and HYUN J. JUNG, *Administrative Patent Judges*.

FITZPATRICK, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5

Patent Owner seeks authorization to file an errata sheet for the transcript of the deposition of its witness, James Silver, Ph.D., which occurred on August 28, 2014. Patent Owner attached the proposed errata sheet to a September 29, 2014, email to the Board. Patent Owner's email also indicates specific errata that Petitioner opposes.

We have reviewed the errata sheet and agree that each of the opposed errata appears designed to make the transcript reflect not what was actually stated by Dr. Silver, but rather to make it reflect something unstated.¹ As a result of these proposed changes, we do not authorize Patent Owner to file the errata sheet that was attached to its email.

We note that several other errata in the proposed errata sheet appear designed to correct the transcript so that it does reflect what was actually stated.² Thus, Patent Owner may seek authorization to file a modified errata sheet, consistent with this Order. If it desires such authorization, Patent Owner should again first confer with Petitioner to see whether Petitioner opposes.

Accordingly, it is

ORDERED that Patent Owner's request to file the proposed errata sheet is denied.

¹ For example, Patent Owner proposes, and Petitioner opposes, adding to testimony appearing at page 183 the following: "Answer is incomplete. I incorporate by reference my testimony at 182:18–22 and 224:22–226: 16."

² For example, Patent Owner proposes, and Petitioner does not oppose, changing testimony appearing at page 180 of the transcript from "radially forced" to "a radial force."

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