

Paper No. ____
Filed: April 14, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INNOPHARMA LICENSING, INC., INNOPHARMA LICENSING LLC,
INNOPHARMA INC., INNOPHARMA LLC,
MYLAN PHARMACEUTICALS INC., and MYLAN INC.,
LUPIN LTD., and LUPIN PHARMACEUTICALS INC.,
Petitioner

v.

SENJU PHARMACEUTICAL CO., LTD., BAUSCH & LOMB, INC., and
BAUSCH & LOMB PHARMA HOLDINGS CORP.,
Patent Owner

Case IPR2015-00902 (Patent 8,669,290)
Case IPR2015-00903 (Patent 8,129,431)*

JOINT LIST OF OBJECTIONS TO DEMONSTRATIVES

* IPR2015-01871 has been joined with this proceeding.

Patent Owner's Objections: Patent Owner objects to the following slides.

PTX-10 mischaracterizes the cited references and uses them in a manner that is entirely unsupported by the record. **PTX-15, 19-26, 30** reflect new arguments on motivation to combine that exceed the proper scope of a Reply and could have been made in the Petition, *see* IPR2015-00902, Paper 65, IPR2015-00903, Paper 59 and references to new arguments in slides are also improper. **PTX-9-18** reflect a new argument and theory of nonobviousness relying on Ogawa in view of Fu, which is not a ground of unpatentability in the Petition or the Institution Decision, and should be struck, under *Dell, Inc. v. Accelaron, LLC*, No. 2015-1513, -1514, slip op. at 14-15 (Fed. Cir. Mar. 11, 2016).

Petitioner's Objections: Slides 20-31, 45, 59-61, 65, 66, 68, 85, 86, 90, 91, 110, 111, 117, 120-122, 125, and 126 constitute new attorney arguments and/or briefing. Slides 22-31, 41, 45, 95, 110, 111, 112, 114, and 124 are misleading and/or mischaracterize the record. Slides 75 and 125 are not supported by the purported source or citation to the record. Slides 96, 110, 111, and 127 contain new characterizations that are outside the scope of the record. Petitioner also objects to the voluminous demonstratives as “setting forth various statements, characterizations, and assertions [that] go beyond serving as visual aids, as they constitute additional briefings themselves.” *CBS Interactive Inc. v. Helferich Patent Licensing, LLC*, Case IPR2013-00033 (PTAB Oct. 23, 2013) (Paper 118).

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Date: April 14, 2016

Respectfully submitted,

ALSTON & BIRD LLP

FINNEGAN, HENDERSON,
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By: /Jitendra Malik/

By: /Bryan C. Diner/

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Counsel for Petitioners

Counsel for Patent Owner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **Joint List of Objections to Demonstratives** was served on April 14, 2016, via email directed to counsel of record for the Petitioner at the following:

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Date: April 14, 2016

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/Ashley F. Cheung/

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