

Filed: June 3, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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COALITION FOR AFFORDABLE DRUGS II LLC.

Petitioner

v.

NPS PHARMACEUTICALS, INC.

Patent Owner

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Case IPR2015-00990

Patent 7,056,886

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**NPS PHARMACEUTICALS, INC.'s**

**REQUESTS FOR PRODUCTION TO PETITIONER**

NPS EX. 2001  
CFAD v. NPS

Patent Owner NPS Pharmaceuticals, Inc. (“NPS”) requests Petitioner to respond and produce the following Documents and Things pursuant the Office Patent Trial Practice Guide (“OPTPG”).

## **I. INSTRUCTIONS AND DEFINITIONS**

In responding and producing Documents and Things responsive to these Requests, please comply with these instructions and those in the OPTPG.

1. Please timely amend your responses if You learn that Your response is incomplete or additional responsive information is found.

2. You must produce Documents and Things either (a) as they are kept in the usual course of business, or (b) organized and labeled to correspond with the particular categories set forth below. Please copy and produce any files or containers in which the responsive documents are kept.

3. Identify responsive Documents and Things that You are aware of but cannot produce because they have been lost or destroyed or are no longer in Your possession.

4. If You object to a portion or an aspect of any request, state the grounds of Your objection with specificity and respond to the remainder of the request.

5. If, in answering these Requests, You encounter any ambiguities when construing a request, instruction, or definition, Your response shall set forth the matter deemed ambiguous and the construction used in responding.

6. For any Document or Thing withheld based upon a claim of privilege, please provide a privilege log according to the requirements of Fed. R. Civ. P. 26.

7. “Communication” means the transmission or receipt of information of any kind through any means (*e.g.*, written, electronic, or any memorialization of oral).

8. “Identify” means provide information sufficient to enable NPS to locate the person, Document, Thing, or Communication with minimal effort. In reference to a Document, Identifying may be by bates number corresponding to Your production.

10. “Document” and “Thing” have the broadest meaning prescribed in Federal Rule of Civil Procedure 34, including ESI and any physical or electronic specimen or tangible item, other than a document, in Your possession, custody or control.

11. “You,” “Your,” or “Petitioner” mean Coalition for Affordable Drugs II LLC (the “Coalition”) and all Named Real Parties-In-Interest and includes any agents, representatives, privies or others authorized to act on Your behalf.

12. “Named Funder” means the Coalition, Hayman Credes Master Fund, L.P. (“Credes”), Hayman Capital Master Fund, L.P. (“HCMF”), Hayman Capital Management, L.P. (“HCM”), and Hayman Orange Fund SPC – Portfolio A (“HOF”).

## **II. DOCUMENTS AND THINGS REQUESTED**

### **REQUEST FOR PRODUCTION No. 1.**

Documents and Things providing the identification by name and address of each investor, owner, partner, limited partner, general partner, member, manager, shareholder, investor, beneficiary, beneficial owner, control person, investment manager, trustee, investment advisor, investment advisee, officer, director, and feeder fund of each of the Named Funders (collectively “Unnamed Funders”).

### **REQUEST FOR PRODUCTION No. 2.**

Documents and Things providing the governance and organization of each non-natural Person Named and Unnamed Funder, including limited partnership agreements, operating agreements, limited liability company agreements, shareholders agreements, opportunity agreements, articles or other organizational or governing documents, side agreements, and investment management, investment advisory or similar service agreements.

**REQUEST FOR PRODUCTION No. 3.**

Documents and Things providing the duties, responsibilities, and authority of all Named or Unnamed Funders in any Named or Unnamed Funder.

**REQUEST FOR PRODUCTION No. 4.**

Documents and Things providing the type and amount of investment or capital of each Named or Unnamed Funder in any Named or Unnamed Funder.

**REQUEST FOR PRODUCTION No. 5.**

Documents and Things providing the type and amount of income or revenue of every Person deriving such revenue or income from any Named or Unnamed Funder.

**REQUEST FOR PRODUCTION No. 6**

All agreements and contracts to which any Named or Unnamed Funder is a party and which involve any control or financing of any Named or Unnamed Funder.

**REQUEST FOR PRODUCTION No. 7.**

All offerings, prospectuses, private placement memoranda, and presentations to prospective investors by any Named or Unnamed Funder since January 1, 2014.