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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MYLAN PHARMACEUTICALS INC.,  
Petitioner,

v.

ASTRAZENECA AB,  
Patent Owner.

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Case IPR2015-01340  
Patent RE44,186

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PETITIONER MYLAN PHARMACEUTICALS INC.'S  
NOTICE OF OBJECTION TO EVIDENCE

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## II. INTRODUCTION

Pursuant to 37 C.F.R. § 42.64(b)(1), Mylan Pharmaceuticals Inc. (“Petitioner”) submits the following objections to Astrazeneca AB (“Patent Owner”)’s Exhibits 2002-2004, 2006, 2014-2015, 2018-2019, 2020-2043, and 2045-2050, as listed on Patent Owner’s Exhibit List filed on September 25, 2015, and any reference to or reliance on the foregoing Exhibits in Patent Owner’s Preliminary Response (“Preliminary Response”) or future filings by Patent Owner. As required by 37 C.F.R. § 42.62, Petitioner’s objections below apply the Federal Rules of Evidence (“F.R.E.”).

## III. OBJECTIONS

### 1. Objections to Ex. 2002 and any Reference to/Reliance Thereon

Grounds for Objection: F.R.E. 401, 402 (Irrelevant Evidence Inadmissible); F.R.E. 403 (Excluding Evidence for Prejudice, Confusion, Waste of Time, or Other Reasons); F.R.E. 602 (Foundation); F.R.E. 701, 702 (Expert Foundation and Opinions); F.R.E. 801, 802, 805 (Impermissible Hearsay); F.R.E. 901 (Authenticating Evidence).

Patent Owner describes Ex. 2002 as “David R. Magnin et al., *Synthesis of Novel Potent Dipeptidyl Peptidase IV Inhibitors with Enhanced Chemical Stability: Interplay Between the N-Terminal Amino Acid Alkyl Side Chain and the Cyclopropyl Group of  $\alpha$ -Aminoacyl-L-cis-4,5-methanoprolinenitrile-Based Inhibitors*, 47 J. MED. CHEM. 2587 (2004).” Because the asserted publication

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