

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PHARMACOSMOS A/S,
Petitioner,

v.

LUITPOLD PHARMACEUTICALS, INC.,
Patent Owner.

Case IPR2015-01490
(Patent 7,754,702 B2)

PATENT OWNER OBJECTIONS TO EVIDENCE

PATENT OWNER OBJECTIONS TO EVIDENCE

Under 37 C.F.R. 42.64(b)(1), Patent Owner Luitpold objects to the following exhibits filed by Petitioner Pharmacosmos in support of its petition. These objections are timely; given the intervening federal holiday on January 18th and the winter storm shut down of the federal government in the District of Columbia on January 25th and 26th, they are being filed and served within ten business days of the January 8, 2016 decision to institute trial (Paper 11).

The objections are based on the Federal Rules of Evidence (FRE) and the Board's rules in Part 42 of 37 C.F.R. (Bd. R.):

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|--------------|---|
| Exhibit 1002 | Bd. R. 41.61(a) and 42.63(b). This foreign language exhibit is not accompanied by an admissible translation and affidavit. |
| Exhibit 1003 | FRE 602, 603, 604 and 701; Bd. R. 42.2, 42.61(a), and 42.63(b). The translator has not been shown to have personal knowledge of the matters asserted and is not eligible to offer opinion testimony; the translator's certification is not under oath; the translator has not been shown to be qualified; the exhibit does not qualify as an "affidavit." |
| Exhibit 1006 | FRE 801, 802. Hearsay and hearsay within hearsay. |
| Exhibit 1024 | FRE 401, 402. Lack of relevance of this 2015 document. |
| Exhibit 1025 | FRE 401, 402. Lack of relevance of this 2015 document. |

In light of these objections, Patent Owner likewise objects to any testimony or argument purporting to rely on the objected-to evidence.

Respectfully submitted,

Date: January 27, 2016

/s/ George E. Quillin
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Registration No. 32,792
Michael D. Kaminski
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Foley & Lardner LLP
Counsel for Patent Owner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing PATENT OWNER OBJECTIONS TO EVIDENCE is being served on January 27, 2016 by filing through the Board's Patent Review Processing System, and via email directed to counsel for the Petitioner at the following address:

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