

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PHARMACOSMOS A/S,
Petitioner

v.

LUITPOLD PHARMACEUTICALS, INC.,
Patent Owner

Cases¹ IPR2015-01490; Patent 7,754,702 B2
 IPR2015-01493; Patent 8,431,549 B2

**PETITIONER'S OBJECTIONS TO PATENT OWNER'S
DEMONSTRATIVE EXHIBITS**

¹ As required by Paper 8, Petitioner attests that the word-for-word identical paper is being filed in each proceeding identified in the heading.

In accordance with the Trial Hearing Order (Paper 46), Pharmacosmos A/S (“Petitioner”) hereby submits its objections to Patent Owner’s demonstrative exhibits served on September 15, 2016.

1. Slide 7

Petitioner objects to Slide 7 because it only includes citations to statements made in the Patent Owner’s Preliminary Response, and such statements were not advanced in Patent Owner’s subsequently filed Response or Motion to Amend. See *SAP Am., Inc. v. Versata Dev. Group, Inc.*, CBM2012-00001, Paper 81 (Sept. 13, 2013).

2. Slide 47

Petitioner objects to Slide 47 because it includes citation to a case, *D’Amour v. Fisk*, Interference 105,734, Paper 430 (BPAI, April 12, 2012), and arguments that were never previously presented in any of the Patent Owner’s substantive papers.

For the reasons noted above, Petitioner objections to the use of Patent Owner’s slides 7 and 47.

Respectfully submitted,

BAKER BOTTS L.L.P.

September 20, 2016

Date

/s/ Lisa Kole

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing PETITIONER'S OBJECTIONS TO PATENT OWNER'S DEMONSTRATIVE EXHIBITS is being served on September 20, 2016 by filing through the Patent Review Processing System and delivering a copy via email to the counsel for Patent Owner at the addresses of record:

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Respectfully submitted,

Dated: September 20, 2016

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