

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE PATENT TRIAL AND APPEAL BOARD**

COALITION FOR AFFORDABLE DRUGS X LLC,  
Petitioner,

v.

ANACOR PHARMACEUTICALS, INC.,  
Patent Owner.

Case No. IPR2015-01776  
Patent No. 7,582,621

---

**PETITIONER'S OBJECTIONS TO PATENT OWNER'S EVIDENCE  
UNDER 37 C.F.R. § 42.64(B)(1)**

Coalition for Affordable drugs X LLC (“Petitioner”) submits the following objections to evidence served by Anacor Pharmaceuticals, Inc. (“Patent Owner”) with its Patent Owner Response. These objections are timely filed within five (5) business days from service of the evidence.

Petitioner reserves the right to present further objection to these or additional Exhibits submitted by Patent Owner, as allowed by the applicable rules or authority.

The following table identifies Petitioner’s objections to the respective exhibits. The alleged evidence presented in the respective exhibits are inadmissible for at least the reasons presented in the right-hand column of the table below.

<b>Exhibit No.</b>	<b>Objection(s)</b>
2001	FRE 401/402: The label for KERYDIN is irrelevant to the patentability of the claims at issue.  FRE 703: This exhibit is cited in an expert declaration. The expert declarations, however, do not establish that this exhibit includes the type of facts or data that would normally be reasonably relied on by

	<p>experts in the particular field. Thus, this exhibit and any paragraph in the expert declarations citing to this exhibit are inadmissible under FRE 703. Further, Patent Owners have also failed to establish that this exhibit’s probative value substantially outweighs any prejudicial effect. As such, this exhibit is inadmissible as evidence to be presented to the Board under FRE 703.</p> <p>FRE 802: This exhibit is being used as inadmissible hearsay. In the Patent Owner Response, the Patent Owner merely repeats a statement from this exhibit for the truth of the statement. (Patent Owner Response, at 10 (“KERYDIN is ‘indicated for the topical treatment of onychomycosis of the toenails due to <i>Trichophyton rubrum</i> or <i>Trichophyton mentagrophytes.</i>’”).)</p> <p>FRE 901: This exhibit lacks authentication. There is no evidence supporting where this exhibit was retrieved or how it was retrieved, nor is it addressed in the Declaration of Jennifer Augsburger (Ex. 2102).</p>
2002	<p>FRE 703: This exhibit is cited in an expert declaration. The expert declarations, however, do not establish that this exhibit includes the</p>

	<p>type of facts or data that would normally be reasonably relied on by experts in the particular field. Thus, this exhibit and any paragraph in the expert declarations citing to this exhibit are inadmissible under FRE 703. Further, Patent Owners have also failed to establish that this exhibit's probative value substantially outweighs any prejudicial effect. As such, this exhibit is inadmissible as evidence to be presented to the Board under FRE 703.</p> <p>FRE 802: This exhibit is being used as inadmissible hearsay for the contention that boron is toxic. (<i>See Response</i>, at 15.)</p>
2003	<p>FRE 401/402: This exhibit is inadmissible as lacking relevance. The Patent Owner does not cite this exhibit at any point in its Patent Owner Response or in any of the expert declarations (i.e., Exs. 2034-2037).<sup>1</sup></p> <p>FRE 802: This exhibit contains hearsay. Because this exhibit is not</p>

---

<sup>1</sup> This statement and similar statements for relevancy objections are based on an electronic word search for the exhibit number in the documents as filed with the USPTO. Should these exhibits actually be cited in the identified documents, Petitioners respectfully request identification of the citations.

	<p>cited in the Patent Owner Response, it is unclear how this exhibit is intended to be used. As such, Petitioner's object to any use of this exhibit as hearsay.</p>
2004	<p>FRE 703: This exhibit is cited in an expert declaration. The expert declarations, however, do not establish that this exhibit includes the type of facts or data that would normally be reasonably relied on by experts in the particular field. Thus, this exhibit and any paragraph in the expert declarations citing to this exhibit are inadmissible under FRE 703. Further, Patent Owners have also failed to establish that this exhibit's probative value substantially outweighs any prejudicial effect. As such, this exhibit is inadmissible as evidence to be presented to the Board under FRE 703.</p> <p>FRE 802: This exhibit is being used as inadmissible hearsay for the contention that boron is toxic. (<i>See Response</i>, at 13-14.)</p>
2005	<p>FRE 703: This exhibit is cited in an expert declaration. The expert declarations, however, do not establish that this exhibit includes the type of facts or data that would normally be reasonably relied on by experts in the particular field. Thus, this exhibit and any paragraph in the expert declarations citing to this exhibit are inadmissible under</p>

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.