

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COALITION FOR AFFORDABLE DRUGS VIII,
LLC, Petitioner

v.

THE TRUSTEES OF THE UNIVERSITY OF
PENNSYLVANIA
Patent Owner

Case No.: IPR2015-01835
Patent No. 8,618,135

PETITIONER'S OBJECTIONS UNDER 37 C.F.R. § 42.64
TO EVIDENCE SUBMITTED BY PATENT OWNERS

Mail Stop **Patent Board**
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner COALITION FOR AFFORDABLE DRUGS VIII, LLC. (“Petitioner”) objects to the admissibility of the following exhibits filed by Patent Owner.

In this paper, a reference to “FRE” means the Federal Rules of Evidence, a reference to “CFR” means the Code of Federal Regulations.

Petitioners’ objections are as follows:

Exhibit	Description	Objection(s)
2305	Supplemental Declaration of Dr. Thomas A. Baillie, Ph.D., D.SC.	J, Q

Objection Key:

- A: FRE 802 (hearsay)
- B: FRE 901 (lacking authentication)
- C: FRE 402 (relevance) the document is not relevant to any issue in this IPR proceeding because the purported date of the document is after the filing date of the '135 patent
- D: FRE 402 (relevance) to the extent the document is relied upon for secondary considerations of nonobviousness, there is no nexus to the claimed compositions and methods
- E: FRE 403 (confusing, waste of time) the document is not relevant to any issue in this IPR proceeding because the purported date of the document is after the filing date of the '135 patent
- F: FRE 403 (confusing, waste of time) to the extent the document is relied upon for secondary considerations of nonobviousness, there is no nexus to the claimed compositions and methods
- G: FRE 702 (improper expert testimony) expert testimony that relies on the document is not based on sufficient facts or data and/or is not the product of reliable principles and methods
- H: FRE 703 (bases of expert opinion) expert testimony that relies on the document is unreliable because the document is not of a type reasonably relied upon by experts in the field
- I: FRE 106 (completeness) the document is incomplete and includes only a select portion of a larger document that in fairness should be considered along with this document
- J: FRE 701, 702 (improper expert testimony) improper expert testimony by a lay witness
- K: FRE 1001 (best evidence)
- L: FRE 403, 901 (improper compilation)
- M: FRE 403 (cumulative)
- N: FRE 402 (relevance) the document is not relevant to any issue in the IPR proceeding
- O: FRE 403 (confusing, waste of time) the document is not relevant to any issue in the IPR proceeding
- P: Previously filed paper. The document was already filed in the proceeding violating 37 C.F.R. § 42.6(d).
- Q: Expert testimony fails to identify with particularity the underlying facts or

data on which the opinion is based violating 37 C.F.R. § 42.65(a)

R FRE 602 (lack of personal knowledge)

S FRE 702/703 to the extent that the expert declarant relies on an exhibit objected to under grounds G and H, the testimony is (i) not based on sufficient facts or data and/or is not the product of reliable principles and methods and/or is (ii) is unreliable because the exhibit is not of a type reasonably relied upon by experts in the field

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing PETITIONER'S OBJECTIONS UNDER 37 C.F.R. § 42.64 TO EVIDENCE SUBMITTED BY PATENT OWNERS, were served on April 14, 2016 by delivering copies via electronic mail on the following attorneys of record for the Patent Owner.

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Date: October 14, 2016

Respectfully Submitted,

/Christopher Casieri/
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