

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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COALITION FOR AFFORDABLE DRUGS V LLC;  
HAYMAN CREDES MASTER FUND, L.P.;  
HAYMAN ORANGE FUND SPC – PORTFOLIO A;  
HAYMAN CAPITAL MASTER FUND, L.P.;  
HAYMAN CAPITAL MANAGEMENT, L.P.;  
HAYMAN OFFSHORE MANAGEMENT, INC.;  
HAYMAN INVESTMENTS, LLC;  
NXN PARTNERS, LLC;  
IP NAVIGATION GROUP, LLC;  
J KYLE BASS, and ERICH SPANGENBERG,  
Petitioner,

v.

BIOGEN MA INC.,  
Patent Owner.

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Case: IPR2015-01993  
U.S. Patent No. 8,399,514

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**BIOGEN'S OBJECTIONS TO PETITIONER'S EXHIBITS**

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Biogen MA Inc. submits the following objections to Petitioner's Exhibit Nos. 1045, 1047, 1048, 1049, 1055, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1068, 1069, 1070, 1071, 1072, and 1073. Biogen's objections apply equally to Petitioner's reliance on these exhibits in any subsequently filed documents. These objections are timely, having been served within five business days of Petitioner's service of these exhibits in this proceeding.

**Exhibit 1045**

Biogen objects to paragraphs 62-83 of Exhibit 1045 under Fed. R. Evid. 401, as not relevant because they contain arguments or evidence that are outside the scope of a proper reply in violation of 37 C.F.R. § 42.23(b). In particular, paragraphs 62-83 advance new theories of unpatentability that were not set forth in the Petition.

**Exhibits 1047, 1048, and 1049**

Biogen objects to Exhibits 1047, 1048, and 1049 under Fed. R. Evid. 802. To the extent Petitioner relies on the contents of these Exhibits for the truth of the matter asserted, Biogen objects to such contents as inadmissible hearsay (*see* Rule 801) that does not fall under any exceptions, including those of Rules 803, 804, 805, and 807.

**Exhibit 1055**

Biogen objects to Exhibit 1055 because it is improperly stamped as Exhibit 1056.

**Exhibit 1058**

Biogen objects to Exhibit 1058 under Fed. R. Evid. 802. To the extent Petitioner relies on the contents of this Exhibit for the truth of the matter asserted, Biogen objects to such contents as inadmissible hearsay (*see* Rule 801) that does not fall under any exceptions, including those of Rules 803, 804, 805, and 807. Biogen further objects to this Exhibit under Fed. R. Evid. 401-403 as lacking nexus to the grounds on which the Board has instituted *inter partes* review. In particular, this Exhibit does not make any fact more or less probable than it would be without the Exhibit. Moreover, this Exhibit is unfairly prejudicial, confuses the issues, misleads the factfinder, and is a waste of time, as Petitioner has not established that glatiramer acetate (Copaxone<sup>®</sup>) is relevant to this proceeding. Biogen also objects to this Exhibit because Petitioner never relied on it in Petitioner's Reply to Biogen's Opposition or Motion to Antedate or explained its significance. 37 C.F.R. §§ 42.22(a), 42.23. Biogen also objects to this Exhibit as being outside the scope of a proper reply in violation of 37 C.F.R. § 42.23(b).

**Exhibit 1059**

Biogen objects to Exhibit 1059 under Fed. R. Evid. 802. To the extent Petitioner relies on the contents of this Exhibit for the truth of the matter asserted, Biogen objects to such contents as inadmissible hearsay (*see* Rule 801) that does not fall under any exceptions, including those of Rules 803, 804, 805, and 807. Biogen further objects to this Exhibit under Fed. R. Evid. 401-403 as lacking nexus to the grounds on which the Board has instituted *inter partes* review. In particular, this Exhibit does not make any fact more or less probable than it would be without the Exhibit. Moreover, this Exhibit is unfairly prejudicial, confuses the issues, misleads the factfinder, and is a waste of time, as Petitioner has not established that glatiramer acetate (Copaxone<sup>®</sup>) is relevant to this proceeding. Biogen also objects to this Exhibit because Petitioner never relied on it in Petitioner's Reply to Biogen's Opposition or Motion to Antedate or explained its significance. 37 C.F.R. §§ 42.22(a), 42.23. Biogen also objects to this Exhibit as being outside the scope of a proper reply in violation of 37 C.F.R. § 42.23(b).

**Exhibit 1060**

Biogen objects to Exhibit 1060 under Fed. R. Evid. 802. To the extent Petitioner relies on the contents of this Exhibit for the truth of the matter asserted, Biogen objects to such contents as inadmissible hearsay (*see* Rule 801) that does not fall under any exceptions, including those of Rules 803, 804, 805, and 807.

Biogen further objects to this Exhibit under Fed. R. Evid. 401-403 as lacking nexus to the grounds on which the Board has instituted *inter partes* review. In particular, this Exhibit does not make any fact more or less probable than it would be without the Exhibit. Moreover, this Exhibit is unfairly prejudicial, confuses the issues, misleads the factfinder, and is a waste of time, as Petitioner has not established that glatiramer acetate (Copaxone<sup>®</sup>) is relevant to this proceeding. Biogen also objects to this Exhibit as being outside the scope of a proper reply in violation of 37 C.F.R. § 42.23(b).

#### **Exhibit 1061**

Biogen objects to Exhibit 1061 under Fed. R. Evid. 802. To the extent Petitioner relies on the contents of this Exhibit for the truth of the matter asserted, Biogen objects to such contents as inadmissible hearsay (*see* Rule 801) that does not fall under any exceptions, including those of Rules 803, 804, 805, and 807. Biogen further objects to this Exhibit under Fed. R. Evid. 901 as not being properly authenticated. Biogen also objects to this Exhibit under Fed. R. Evid. 401-403 as lacking nexus to the grounds on which the Board has instituted *inter partes* review. In particular, this Exhibit does not make any fact more or less probable than it would be without the Exhibit. Moreover, this Exhibit is unfairly prejudicial, confuses the issues, misleads the factfinder, and is a waste of time, as Petitioner has not established that glatiramer acetate (Copaxone<sup>®</sup>) is relevant to this

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