

Filed: April 26, 2016

Filed on behalf of:

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RANBAXY INC.,

Petitioner

v.

JAZZ PHARMACEUTICALS, INC.,

Patent Owner

Case No. IPR2016-00024

Patent 8,772,306

**PETITIONER'S OBJECTIONS TO ADMISSIBILITY OF EVIDENCE
FILED WITH PATENT OWNER'S PRELIMINARY RESPONSE**

Pursuant to 37 C.F.R. § 42.64(b), Petitioner objects as follows to the admissibility of evidence filed with Patent Owner's Preliminary Response on January 15, 2016.

Petitioner reserves its right: (1) to timely file a motion to exclude these objectionable exhibits, or portions thereof; (2) to challenge the credibility and/or weight that should be afforded to these exhibits, whether or not Petitioner files a motion to exclude the exhibits; (3) to challenge the sufficiency of the evidence to meet Patent Owner's burden of proof on any issue, whether or not Patent Owner has objected to, or files a motion to exclude, the evidence; and (4) to cross examine any Patent Owner declarant within the scope of his or her direct testimony relating to these exhibits, without regard to whether Petitioner has objected to the testimony or related exhibits, and without regard to whether the testimony or related exhibits are ultimately found to be inadmissible.

Evidence	Objections
Ex. 2001	Relevance and Unfair Prejudice (FRE 402, 403): There exists no evidence to establish that this Exhibit qualifies as a printed publication that qualifies as prior art. Thus, this Exhibit is not relevant to the extent that it is not a printed publication. This Exhibit is also not relevant to the extent that it does not

Evidence	Objections
	<p>support the proposition that it is cited for.</p> <p>Hearsay (FRE 802): This Exhibit is hearsay to the extent that it is as an out of court statement and is being used to prove the truth of the matter asserted.</p>
Ex. 2002	<p>Relevance and Unfair Prejudice (FRE 402, 403):</p> <p>This Exhibit is not relevant to the extent that it does not support the proposition that it is cited for.</p> <p>Hearsay (FRE 802): This Exhibit is hearsay to the extent that it is as an out of court statement and is being used to prove the truth of the matter asserted.</p>
Ex. 2003	<p>Relevance and Unfair Prejudice (FRE 402, 403):</p> <p>There exists no evidence to establish that this Exhibit is prior art to the '306 patent. Thus, it is not relevant.</p> <p>Hearsay (FRE 802): This Exhibit is hearsay to the extent that it is as an out of court statement and is being used to prove the truth of the matter asserted.</p>
Ex. 2004	<p>Hearsay (FRE 802): This Exhibit is hearsay to the extent that it is as an out of court statement and is being used to prove the truth of</p>

Evidence	Objections
	the matter asserted.
Ex. 2005	Relevance and Unfair Prejudice (FRE 402, 403): There exists no evidence to establish that this Exhibit is prior art to the '306 patent. Thus, it is not relevant.
Ex. 2006	Hearsay (FRE 802): This Exhibit is hearsay to the extent that it is as an out of court statement and is being used to prove the truth of the matter asserted.
Ex. 2007	Hearsay (FRE 802): This Exhibit is hearsay to the extent that it is as an out of court statement and is being used to prove the truth of the matter asserted.
Ex. 2008	Relevance and Unfair Prejudice (FRE 402, 403): There exists no evidence to establish that this Exhibit is prior art to the '306 patent. Thus, it is not relevant. Also, Par's Petition for <i>Inter Partes Review</i> is not relevant to the current proceeding. Hearsay (FRE 802): This Exhibit is hearsay to the extent that it is as an out of court statement and is being used to prove the truth of the matter asserted.
Ex. 2009	Relevance and Unfair Prejudice (FRE 402, 403): Relevance and

Evidence	Objections
	<p>Unfair Prejudice (FRE 402, 403):</p> <p>This Exhibit appears to not be prior art to the '306 patent. Thus, it is not relevant. Also, Dr. Winkelman's Declaration, filed with Par's Petition for <i>Inter Partes Review</i>, is not relevant to the current proceeding.</p> <p>Hearsay (FRE 802): This Exhibit is hearsay to the extent that it is as an out of court statement and is being used to prove the truth of the matter asserted.</p>
Ex. 2017	<p>Relevance and Unfair Prejudice (FRE 402, 403):</p> <p>There exists no evidence to establish that this Exhibit is prior art to the '306 patent. Thus, it is not relevant.</p>

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: April 26, 2016

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