

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ARGENTUM PHARMACEUTICALS LLC  
Petitioner

v.

RESEARCH CORPORATION TECHNOLOGIES, INC.  
Patent Owner

Patent No. RE38,551

Issue Date: July 6, 2004

Title: ANTICONVULSANT ENANTIOMERIC AMINO ACID DERIVATIVES

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*Inter Partes* Review No. IPR2016-00204

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**PETITIONER'S OBJECTIONS TO PATENT OWNER'S EVIDENCE**

*37 C.F.R. § 42.64*

Petitioner files these objections under 37 C.F.R. § 42.64 within five business days of the filing of Patent Owner's Response on August 15, 2016. Petitioner objects to the following evidence submitted with the Patent Owner's Response:

**Exhibit 2036 Declaration of William R. Roush, Ph.D., in Support of Patent Owner Response Pursuant to 37 C.F.R. § 42.120**

Exhibit 2036 is inadmissible for at least the following reasons, including under the Federal Rules of Evidence: Dr. Roush's declaration relies on inadmissible hearsay and relies on upon facts and data not reasonably relied upon in forming an expert opinion under FRE 703. Dr. Roush's declaration relies on articles and other documents that are not shown to be prior art, as detailed herein.

**Exhibit 2038 Declaration of Carl W. Bazil, M.D., Ph.D., in Support of Patent Owner Response Pursuant to 37 C.F.R. § 42.120**

Exhibit 2038 is inadmissible for at least the following reasons, including under the Federal Rules of Evidence: Dr. Bazil's declaration relies on inadmissible hearsay and relies on upon facts and data not reasonably relied upon in forming an expert opinion under FRE 703. Dr. Bazil's declaration relies on articles and other documents that are not shown to be prior art, as detailed herein.

**Exhibit No. 2042 - Lacosamide, SciFinder® Scholar, version 205; Chemical Abstracts Service: Columbus, OH.**

Exhibit 2042 is inadmissible for at least the following reasons, including under the Federal Rules of Evidence: Exhibit 2042 is hearsay under FRE 801 and is inadmissible under FRE 802. Exhibit 2042 lacks authentication and is therefore inadmissible under FRE 901. Exhibit 2042 lacks relevance to the extent it is relied on for an issue that requires prior art because the exhibit is not shown to be prior art.

**Exhibit 2044 Seizure Medication List, Epilepsy Foundation, at <http://www.epilepsy.com/learn/treating-seizures-and-epilepsy/seizure-and-epilepsy-medicines/seizure-medication-list> (last accessed July 25, 2016)**

Exhibit 2044 is inadmissible for at least the following reasons, including under the Federal Rules of Evidence: Exhibit 2044 is hearsay under FRE 801 and is inadmissible under FRE 802. Exhibit 2044 lacks authentication and is therefore inadmissible under FRE 901. Exhibit 2044 lacks relevance to the extent it is relied on for an issue that requires prior art because the exhibit is not shown to be prior art.

**Exhibit 2045 Signe Stórustovu et al., R-citalopram functionally antagonises escitalopram in vivo and in vitro: evidence for kinetic interaction at the serotonin transporter, 142(1) Br. J. Pharmacol. 172–80 (2004).**

Exhibit 2045 is inadmissible for at least the following reasons, including under the Federal Rules of Evidence: Exhibit 2045 lacks relevance to the extent it is

relied on for an issue that requires prior art because the exhibit is not shown to be prior art.

**Exhibit 2046 Overview of the Drug Development Process, available at <http://lillytrials.com/docs/education.html> (last accessed August 3, 2016).**

Exhibit 2046 is inadmissible for at least the following reasons, including under the Federal Rules of Evidence: Exhibit 2046 is hearsay under FRE 801 and is inadmissible under FRE 802. Exhibit 2046 lacks authentication and is therefore inadmissible under FRE 901. Exhibit 2046 lacks relevance to the extent it is relied on for an issue that requires prior art because the exhibit is not shown to be prior art.

**Exhibit 2047 Center for Drug Evaluation and Research, 2011 Novel New Drugs (Jan. 2012).**

Exhibit 2047 is inadmissible for at least the following reasons, including under the Federal Rules of Evidence: Exhibit 2047 is hearsay under FRE 801 and is inadmissible under FRE 802. Exhibit 2047 lacks authentication and is therefore inadmissible under FRE 901. Exhibit 2047 lacks relevance to the extent it is relied on for an issue that requires prior art because the exhibit is not shown to be prior art.

**Exhibit 2048 Sunil S. Jambhekar, Biopharmaceutical Properties of Drug Substances, in Principles of Medicinal Chemistry (William O. Foye et al., eds.,**

**4th ed. 1995).**

Exhibit 2048 is inadmissible for at least the following reasons, including under the Federal Rules of Evidence: Exhibit 2048 lacks relevance to the extent it is relied on for an issue that requires prior art because the exhibit is not shown to be prior art.

**Exhibit 2049 Richard B. Silverman, The Organic Chemistry of Drug Design and Drug Action, Chapter 2 (2nd ed. 2004).**

Exhibit 2049 is inadmissible for at least the following reasons, including under the Federal Rules of Evidence: Exhibit 2049 lacks relevance to the extent it is relied on for an issue that requires prior art because the exhibit is not shown to be prior art.

**Exhibit 2050 F. Raymond Salemme et al., Serendipity meets precision: the integration of structure-based drug design and combinatorial chemistry for efficient drug discovery, 5(3) Structure 319–24 (1997).**

Exhibit 2050 is inadmissible for at least the following reasons, including under the Federal Rules of Evidence: Exhibit 2050 lacks relevance to the extent it is relied on for an issue that requires prior art because the exhibit is not shown to be prior art.

**Exhibit 2051 Hugo Kubinyi, Combinatorial and computational approaches in structure-based drug design, 1(1) Curr. Opinion Drug Discov. Develop. 16–**

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