

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.

Petitioner

v.

UCB PHARMA GMBH

Patent Owner

Patent No. 6,858,650

Case IPR2016-00510

**PETITIONER'S OBJECTIONS TO PATENT OWNER'S
EVIDENCE PURSUANT TO 37 C.F.R. § 42.64**

Mylan Pharmaceuticals Inc. ("Petitioner") submits the following objections to evidence served by UCB Pharma GmbH ("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.

| Exhibit No. | Objection(s) |
|--------------------|---|
| 2020 | Petitioner object to the deposition testimony cited in the Patent Owner's response for the reasons made on the record during the deposition. |
| 2021 | FRE 401/402: Portions of this declaration (¶¶ 82-101) relate to objective indicia of non-obviousness. Patent Owner has failed to establish in its Patent Owner Response that its commercial product is covered by a specific claim or claims of the patent. |

| | |
|------|---|
| | <p>Accordingly, absent such a showing and nexus between the alleged objective indicia and the claimed invention, any purported evidence supporting the Patent Owner's object indicial arguments is irrelevant.</p> <p>FRE 403: Because Patent Owner has failed to establish a nexus between claims of the patent and the alleged objective indicia asserted in the Patent Owner Response, any introduction of this exhibit for purposes of supporting an objective indicia argument would be unfairly prejudicial and would lack any probative value.</p> <p>FRE 703: Petitioner objects to each paragraph citing to an exhibit that is objected to herein under FRE 703 as such paragraphs lack a sufficient foundation.</p> |
| 2022 | <p>FRE 703: Petitioner objects to each paragraph citing to an exhibit that is objected to herein under FRE 703 as such paragraphs lack a sufficient foundation.</p> |
| 2023 | <p>FRE 401/402: This declaration relates to objective indicia of non-obviousness. Patent Owner has failed to establish in its Patent</p> |

| | |
|------|--|
| | <p>Owner Response that its commercial product is covered by a specific claim or claims of the patent. Accordingly, absent such a showing and nexus between the alleged objective indicia and the claimed invention, any purported evidence supporting the Patent Owner's object indicial arguments is irrelevant.</p> <p>FRE 403: Because Patent Owner has failed to establish a nexus between claims of the patent and the alleged objective indicia asserted in the Patent Owner Response, any introduction of this exhibit for purposes of supporting an objective indicia argument would be unfairly prejudicial and would lack any probative value.</p> <p>FRE 703: Petitioner objects to each paragraph citing to an exhibit that is objected to herein under FRE 703 as such paragraphs lack a sufficient foundation.</p> |
| 2024 | <p>FRE 703: Petitioner objects to each paragraph citing to an exhibit that is objected to herein under FRE 703 as such paragraphs lack a sufficient foundation.</p> |
| 2025 | <p>FRE 703: Petitioner objects to each paragraph citing to an exhibit</p> |

| | |
|------|--|
| | <p>that is objected to herein under FRE 703 as such paragraphs lack a sufficient foundation.</p> |
| 2026 | <p>Petitioner object to the deposition testimony cited in the Patent Owner's response for the reasons made on the record during the deposition.</p> <p>FRE 401/402: This exhibit is inadmissible as lacking relevance. The Patent Owner has not limited this exhibit to the excerpts of deposition testimony cited in Patent Owner's response, and it is unclear how or if Patent Owner intends to use other portions of this exhibit. Indeed, Patent Owner's response only cites to 20 pages of this 166 page exhibit.</p> <p>FRE 703: The exhibit reflects deposition transcript from a different proceeding in a District Court. Patent Owner has 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> |

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.