

Filed on behalf of Patent Owners Genentech, Inc. and City of Hope by:

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.,
Petitioner,

v.

GENENTECH, INC. AND CITY OF HOPE,
Patent Owners.

Case IPR2016-00710
U.S. Patent 6,331,415

**PATENT OWNERS' OBJECTIONS TO EVIDENCE
PURSUANT TO 37 C.F.R. § 42.64**

Pursuant to 37 C.F.R. § 42.64, Patent Owners Genentech, Inc. and City of Hope serve the following objections to evidence served with the Petition of Mylan Pharmaceuticals Inc. ("Petitioner").

Genentech/City of Hope object to Exhibit 1006, Declaration of Jefferson Foote, Ph.D., in Support of Sanofi-Aventis U.S. LLC and Regeneron's Petition for *Inter Partes* Review of U.S. Patent No. 6,331,415. Genentech/City of Hope specifically object to ¶¶ 25, 42-47, 52-60, 67, 68, 70-73, 78, 80, 84, 90-93, 97, 100-104, 106, 107, 109-14, and all paragraphs that rely on those paragraphs as inadmissible hearsay (FRE 802); and ¶¶ 25, 42, 43, 47, 49, 52-53 & n.6, 56-60, 63-73, 76, 78-80, 83-84, 87-97, 99-114, and all paragraphs that rely on those paragraphs as lacking a disclosed basis of sufficient facts or data (FRE 705; 37 C.F.R. § 42.65), not being based on sufficient facts or data, the product of reliable principles and methods, and/or a reliable application of the principles and methods to the facts (FRE 702, 703), and being misleading and/or confusing (FRE 403).

Genentech/City of Hope object to Exhibit 1044, ReoPro® Prescribing Information, as irrelevant (FRE 402), misleading and/or confusing (FRE 403), lacking authentication (FRE 901), and inadmissible hearsay (FRE 802).

Genentech/City of Hope object to Exhibit 1045, *Genentech v. Centocor*, No. 94-01379 (N.D. Cal.), Affidavit of John Ghrayeb, Ph.D., as inadmissible hearsay (FRE 802), lacking a disclosed basis of sufficient facts or data (FRE 705; 37

C.F.R. § 42.65), not being based on sufficient facts or data, the product of reliable principles and methods, and/or a reliable application of the principles and methods to the facts (FRE 702, 703), and containing improper expert testimony by a lay witness (FRE 701).

Genentech/City of Hope object to Exhibit 1059, Declaration of Kathryn Calame, Ph.D. In Support of Mylan Pharmaceuticals Inc.'s Petition for *Inter Partes* Review of U.S. Patent No. 6,331,415. Genentech/City of Hope specifically object to ¶ 16, in which Dr. Calame states "I fully agree with, and hereby adopt, the opinions set forth in the Foote Declaration," for the same reasons set forth *supra* for Exhibit 1006 (Dr. Foote's Declaration).

Respectfully submitted,

Date: September 22, 2016

/David L. Cavanaugh/
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CERTIFICATE OF SERVICE

I hereby certify that, on September 22, 2016, I caused a true and correct copy of the foregoing materials:

- Patent Owners' Objections to Evidence Pursuant to 37 C.F.R. § 42.64

to be served via electronic mail on the following attorneys of record:

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