

Case IPR2016-01096
Patent No. 6,667,061
Objections Under 37 C.F.R. § 42.64
Attorney Docket No. 9LUYE 7.1R-004

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LUYE PHARMA GROUP LTD., LUYE PHARMA (USA) LTD., SHANDONG
LUYE PHARMACEUTICAL CO., LTD., and NANJING LUYE
PHARMACEUTICAL CO., LTD.

Petitioners

v.

ALKERMES PHARMA IRELAND LTD. and
ALKERMES CONTROLLED THERAPEUTICS, INC.

Patent Owners.

Patent No. 6,667,061 to Ramstack *et al.*

Issue Date: December 23, 2003

Title: PREPARATION OF INJECTABLE
SUSPENSIONS HAVING IMPROVED INJECTABILITY

Inter Partes Review No. IPR2016-01096

**PETITIONERS' OBJECTIONS
UNDER 37 C.F.R. § 42.64 TO EVIDENCE
SUBMITTED BY PATENT OWNERS POST-INSTITUTION**

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Objections Under 37 C.F.R. § 42.64
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Petitioners Luye Pharma Group Ltd., Luye Pharma (USA) Ltd., Shandong Luye Pharmaceutical Co., Ltd., and Nanjing Luye Pharmaceutical Co., Ltd. (collectively “Petitioners”) object under the Federal Rules of Evidence (“FRE”) and 37 C.F.R. § 42.64 to the admissibility of the following exhibits on the grounds set forth below. All evidence objected to below was served by Patent Owners Alkermes Pharma Ireland Ltd. and Alkermes Controlled Therapeutics, Inc. (collectively “Patent Owners”) with Patent Owners’ Response on March 8, 2017 (Paper No. 33). Therefore, Petitioners’ objections are timely.

All objections under FRE 802 (hearsay) apply to the extent Patent Owners rely on the exhibits identified in connection with that objection for the truth of the matters asserted therein.

Petitioners object as follows:

Exhibit 2014

Petitioners object to Exhibit 2014 under FRE 802 (hearsay), 702 (improper expert testimony), and 703 (bases for expert opinion) as the testimony is not based on sufficient facts or data, is not the product of reliable principles and methods, and the principles and methods have not been reliably applied to the facts of the

case. Petitioners further object to Exhibit 2014 under 37 C.F.R. § 42.65(a), FRE 402 (relevance), and FRE 403 (confusing, waste of time).

Exhibit 2016

Petitioners reassert and reserve all their objections under 37 C.F.R. § 42.64(a) made during the deposition of Dr. Patrick DeLuca.

Exhibit 2017

Petitioners object to Exhibit 2017 under FRE 802 (hearsay), FRE 402 (relevance), and FRE 403 (confusing, waste of time).

Exhibit 2018

Petitioners object to Exhibit 2018 under FRE 802 (hearsay), FRE 402 (relevance), and FRE 403 (confusing, waste of time).

Exhibit 2019

Petitioners object to Exhibit 2019 under FRE 802 (hearsay), FRE 402 (relevance), and FRE 403 (confusing, waste of time).

Exhibit 2020

Petitioners object to Exhibit 2020 under FRE 802 (hearsay), FRE 402 (relevance), and FRE 403 (confusing, waste of time).

Exhibit 2021

Petitioners object to Exhibit 2021 under FRE 802 (hearsay), FRE 402 (relevance), and FRE 403 (confusing, waste of time).

Exhibit 2022

Petitioners object to Exhibit 2022 under FRE 802 (hearsay), FRE 402 (relevance), and FRE 403 (confusing, waste of time).

Exhibit 2023

Petitioners object to Exhibit 2023 under FRE 802 (hearsay), FRE 402 (relevance), and FRE 403 (confusing, waste of time).

Exhibit 2024

Petitioners object to Exhibit 2024 under FRE 802 (hearsay), FRE 402 (relevance), and FRE 403 (confusing, waste of time).

Exhibit 2025

Petitioners object to Exhibit 2025 under FRE 802 (hearsay), FRE 402 (relevance), and FRE 403 (confusing, waste of time).

Exhibit 2026

Petitioners object to Exhibit 2026 under FRE 802 (hearsay), FRE 402 (relevance), and FRE 403 (confusing, waste of time).

Exhibit 2027

Petitioners object to Exhibit 2027 under FRE 802 (hearsay), FRE 402 (relevance), and FRE 403 (confusing, waste of time).

Exhibit 2028

Petitioners object to Exhibit 2028 under FRE 802 (hearsay), FRE 402 (relevance), and FRE 403 (confusing, waste of time).

Exhibit 2029

Petitioners object to Exhibit 2029 under FRE 802 (hearsay), FRE 402 (relevance), and FRE 403 (confusing, waste of time).

Exhibit 2030

Petitioners object to Exhibit 2030 under FRE 802 (hearsay), FRE 402 (relevance), and FRE 403 (confusing, waste of time).

Exhibit 2031

Petitioners object to Exhibit 2031 under FRE 802 (hearsay), FRE 402 (relevance), and FRE 403 (confusing, waste of time).

Exhibit 2032

Petitioners object to Exhibit 2032 under FRE 802 (hearsay), FRE 402 (relevance), and FRE 403 (confusing, waste of time).

Exhibit 2033

Petitioners object to Exhibit 2033 under FRE 802 (hearsay), FRE 402 (relevance), and FRE 403 (confusing, waste of time).

Exhibit 2034

Petitioners object to Exhibit 2034 under FRE 802 (hearsay), FRE 402 (relevance), FRE 403 (confusing, waste of time), and FRE 901 (lack of authentication).

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