

Case IPR2016-01096
Patent No. 6,667,061
Objections Under 37 C.F.R. §§ 42.63 and 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. §§ 42.63
AND 42.64 TO EVIDENCE SUBMITTED BY PATENT OWNERS'
POST-INSTITUTION (EXHIBITS 2073-2079, 2081)**

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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. §§ 42.63 and 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’ Exhibit List 5 on July 24, 2017 (Paper No. 52). 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 2073

Petitioners object to Exhibit 2073 under FRE 802 (hearsay), FRE 402 (relevance), FRE 403 (confusing, waste of time), and FRE 901 (lack of authentication).

Exhibit 2074

Petitioners object to Exhibit 2074 under FRE 402 (relevance) and FRE 403 (confusing, waste of time).

Exhibit 2075

Petitioners object to Exhibit 2075 under FRE 402 (relevance), FRE 403 (confusing, waste of time), and 37 C.F.R. § 42.63(b) (failing to provide an English translation and an affidavit attesting to the accuracy of the translation).

Exhibit 2076

Petitioners object to Exhibit 2076 under FRE 402 (relevance) and FRE 403 (confusing, waste of time).

Exhibit 2077

Petitioners object to Exhibit 2077 under FRE 402 (relevance), FRE 403 (confusing, waste of time), and 37 C.F.R. § 42.63(b) (failing to provide an English translation and an affidavit attesting to the accuracy of the translation).

Exhibit 2078

Petitioners object to Exhibit 2078 under FRE 402 (relevance) and FRE 403 (confusing, waste of time).

Exhibit 2079

Petitioners object to Exhibit 2079 under FRE 402 (relevance) and FRE 403 (confusing, waste of time).

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Exhibit 2081

Petitioners reassert and reserve all their objections under 37 C.F.R. § 42.64(a) made during the deposition of Dr. Patrick DeLuca on July 13, 2017.

Respectfully submitted,

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Dated: July 31, 2017

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing
**PETITIONERS' OBJECTIONS UNDER 37 C.F.R. §§ 42.63 AND 42.64 TO
EVIDENCE SUBMITTED BY PATENT OWNERS' POST-INSTITUTION
(EXHIBITS 2073-2079, 2081)** was served on July 31, 2017, as follows.

VIA E-MAIL

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Respectfully submitted,

Dated: July 31, 2017

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