

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ACRUX DDS PTY LTD., ACRUX LIMITED,  
ARGENTUM PHARMACEUTICALS LLC,  
Petitioners,

v.

KAKEN PHARMACEUTICAL CO., LTD. and  
VALEANT PHARMACEUTICALS INTERNATIONAL, INC.,  
Patent Owner.

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Case IPR2017-00190<sup>1</sup>  
Patent 7,214,506 B2

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**PETITIONERS' RESPONSE TO PATENT OWNER'S  
MOTION TO STRIKE**

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<sup>1</sup> Case IPR2017-01429 has been joined with the instant proceeding.

**TABLE OF CONTENTS**

- I. INTRODUCTION .....1
- II. PETITIONERS’ EXHIBITS ARE APPROPRIATE REBUTTAL AND THE REPLY INTRODUCED NO NEW ARGUMENTS.....3
  - A. Petitioners’ Reply Appropriately Cites Expert Testimony .....5
  - B. Petitioners’ Exhibits Are Appropriate.....11
  - C. Petitioners’ Reply Raises No “New Legal Theory” .....14
- III. CONCLUSION.....15

**TABLE OF AUTHORITIES**

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*Apple, Inc. v. Evolved Wireless LLC*,  
IPR2016-01347, Paper 11 (PTAB Apr. 17, 2017) .....4, 9

*Arctic Cat Inc., v. Polaris Indus. Inc.*,  
IPR2015-01783, Paper 49 (PTAB Jan. 30, 2017) .....11

*Ariad Pharms., Inc. v. Eli Lilly & Co.*,  
598 F.3d 1336 (Fed. Cir. 2010) .....15

*Belden Inc. v. Berk-Tek LLC*,  
805 F.3d 1064 (Fed. Cir. 2015) .....3, 5

*Berk-Tek LLC v. Belden Techs. Inc.*,  
IPR2013-00057, Paper 29 (PTAB Sept. 10, 2013).....3

*Elec. Arts Inc. v. Terminal Reality, Inc.*,  
IPR2016-00929, IPR2016-00930, Paper 50 (PTAB Oct. 19, 2017) .....7

*Genzyme Therapeutic Prods. Ltd. v. Biomarin Pharm. Inc.*,  
825 F.3d 1360 (Fed. Cir. 2016) .....3

*Hughes Network Sys., LLC v. Cal. Inst. of Tech.*,  
IPR2015-00059, Paper 42 (PTAB Apr. 21, 2016) ..... 10, 11

*Kinetic Techs., Inc. v. Skyworks Solutions, Inc.*,  
IPR2014-00529, Paper 8 (PTAB Sept. 23, 2014).....9

*Nichia Corp. v. Emcore Corp.*,  
IPR2012-00005, Paper 68 (PTAB Feb. 11, 2014).....6

*NuVasive, Inc.*,  
841 F.3d 966 (Fed. Cir. 2016) .....4

*Sony Computer Entm't Am. LLC v. Game Controller Tech. LLC*,  
IPR2013-00634, Paper 32 (PTAB Apr. 14, 2015) .....11

*Sumitomo Elec. Indus., Ltd. v. United Techs. Corp.*,  
IPR2017-00966, Paper 7 (PTAB Sept. 13, 2017)..... 4, 12

...

*TV Mgmt., Inc. v. Perdiemco LLC*,  
IPR2016-01278, Paper 41 (PTAB July 26, 2017) .....10

**Rules**

37 C.F.R. § 42.6 .....4  
37 C.F.R. § 42.23 ..... 3, 9, 10, 15  
37 C.F.R. § 42.65 ..... 4, 13

## I. INTRODUCTION

Cutting through the hyperbole and mischaracterizations, Patent Owner's ("PO") Motion to Strike is reduced to a complaint that Petitioners have responded to the large number of conclusory, unsupported, and inaccurate arguments in the PO Response ("POR") and accompanying lengthy expert declarations with comprehensive and well-documented rebuttal. PO accuses Petitioners of improperly incorporating portions of their expert declarations and exhibits into their Reply by reference. Not true. Petitioners' expert declarations contain expert testimony supported by documentary evidence and are directly responsive to arguments raised by PO's experts and in the POR. Rebuttal expert testimony belongs in the sworn declarations, not the Reply, and the Reply properly cites to such testimony as evidentiary support for the arguments presented.

PO exaggerates alleged difficulties in linking Petitioners' expert testimony and documentary evidence to the Reply arguments. PO accuses Petitioners of "block citing" the declarations by properly referring to discrete sections, subsections or groups of paragraphs arranged by topic and responsive to assertions made by PO's experts. PO's complaints are belied by the fact that the POR does the same. Contrary to PO's accusations, the pertinence of Petitioners' expert testimony to the Reply arguments is readily apparent. And while both parties'

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