

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.
Petitioner

v.

QUALICAPS CO. LTD.
Patent Owner

Case IPR2017-00203
Patent No. 6,649,180

**PETITIONER MYLAN PHARMACEUTICALS INC.’S OBJECTIONS TO
PATENT OWNER’S EVIDENCE PURSUANT TO 37 C.F.R. § 42.64**

Pursuant to 37 C.F.R. § 42.64(b), Petitioner Mylan Pharmaceuticals Inc. (“Mylan”) submits the following objections to evidence served by Patent Owner Qualicaps Co. Ltd. (“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.

Evidence	Objections
Exhibit 2001	<p>FRE 401 and 402: The exhibit is not relevant to any ground upon which trial was instituted. This exhibit also contains no publication date. Without a publication date, Patent Owner cannot demonstrate a reasonable likelihood that this exhibit is a prior-art, printed publication. To the extent Patent Owner relies upon a copyright date as evidence of publication, a copyright date is inadmissible hearsay under FRE 802.</p> <p>FRE 802: The exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p> <p>Lack of Foundation: Patent Owner has not provided sufficient explanation of what the exhibit is or what it allegedly shows.</p> <p>FRE 703: Neither Patent Owner's Response or Dr.</p>

Evidence	Objections
	<p>McConville's declarations establish that this exhibit includes the type of facts or data that would normally be reasonably relied on by experts in the particular field. Thus, this exhibit and any paragraph in the expert declaration citing to this exhibit are inadmissible under FRE 703. Further, Patent Owner has also failed to establish that this exhibit's probative value substantially outweighs any prejudicial effect.</p>
Exhibit 2002	<p>FRE 401 and 402: The exhibit is not relevant to any ground upon which trial was instituted. Neither Patent Owner's Response or Dr. McConville's declaration cites this exhibit. It therefore has no relevance to the instituted ground.</p>
Exhibit 2003	<p>FRE 401 and 402: The exhibit is not relevant to any ground upon which trial was instituted.</p>
Exhibit 2004	<p>FRE 401 and 402: The exhibit is not relevant to any ground upon which trial was instituted. Neither Patent Owner's Response or Dr. McConville's declaration cites this exhibit. It therefore has no relevance to the instituted ground.</p>
Exhibit 2005	<p>FRE 401 and 402: The exhibit is not relevant to any ground upon which trial was instituted. Neither Patent Owner's</p>

Evidence	Objections
	Response or Dr. McConville's declaration cites this exhibit. It therefore has no relevance to the instituted ground.
Exhibit 2006	FRE 401 and 402: The exhibit is not relevant to any ground upon which trial was instituted. Neither Patent Owner's Response or Dr. McConville's declaration cites this exhibit. It therefore has no relevance to the instituted ground.
Exhibit 2007	FRE 401 and 402: The exhibit is not relevant to any ground upon which trial was instituted. Neither Patent Owner's Response or Dr. McConville's declaration cites this exhibit. It therefore has no relevance to the instituted ground.
Exhibit 2008	FRE 401 and 402: The exhibit is not relevant to any ground upon which trial was instituted. Neither Patent Owner's Response or Dr. McConville's declaration cites this exhibit. It therefore has no relevance to the instituted ground.
Exhibit 2009	FRE 401 and 402: The exhibit is not relevant to any ground upon which trial was instituted. Neither Patent Owner's Response or Dr. McConville's declaration cites this exhibit. It therefore has no relevance to the instituted ground.
Exhibit 2010	FRE 401 and 402: The exhibit is not relevant to any ground

Evidence	Objections
	upon which trial was instituted. Neither Patent Owner's Response or Dr. McConville's declaration cites this exhibit. It therefore has no relevance to the instituted ground.
Exhibit 2011	FRE 401 and 402: The exhibit is not relevant to any ground upon which trial was instituted. Neither Patent Owner's Response or Dr. McConville's declaration cites this exhibit. It therefore has no relevance to the instituted ground.
Exhibit 2012	FRE 401 and 402: The exhibit is not relevant to any ground upon which trial was instituted. Neither Patent Owner's Response or Dr. McConville's declaration cites this exhibit. It therefore has no relevance to the instituted ground.
Exhibit 2013	FRE 401 and 402: The exhibit is not relevant to any ground upon which trial was instituted. Neither Patent Owner's Response or Dr. McConville's declaration cites this exhibit. It therefore has no relevance to the instituted ground.
Exhibit 2014	FRE 401 and 402: the exhibit is not relevant to any ground upon which trial was instituted. Neither Patent Owner's Response or Dr. McConville's declaration cites this exhibit. It therefore has no relevance to the instituted ground.

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