

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARGENTUM PHARMACEUTICALS LLC
Petitioner

v.

CIPLA LTD.
Patent Owner

Patent No. 8,168,620
Issue Date: May 1, 2012
Title: COMBINATION OF AZELASTINE AND STEROIDS

Inter Partes Review No. IPR2017-00807

**PETITIONER'S OBJECTIONS TO PATENT OWNER'S
DEMONSTRATIVE EXHIBIT PURSUANT TO PAPER NO. 40**

Pursuant to the Board’s Order in Paper No. 40 at 3, Petitioner Argentum Pharmaceuticals LLC (“Petitioner”) submits the following objections to the demonstrative exhibit served by Patent Owner, Cipla Ltd. (“Patent Owner”), in conjunction with oral argument. These objections are timely, having been filed two days before oral argument.

Objection to Slide 5

Objected-To Portions Highlighted in Yellow:

Petitioner And Its Experts Attended The Apotex Trial And Were Aware Of Those Issues

Adam LaRock

From: MHouston@foley.com
Sent: Tuesday, March 21, 2017 10:38 AM
To: Adam LaRock
Cc: ALG@dynecta@foley.com; Michael R. Houston, Ph.D.; Joseph P. Mearz; James P. McParland; Dynecta 620 IPB
Subject: RE: IPR2017-00807 - Argentum Pharms. LLC v. Cipla Ltd.

Adam,

Following up on our phone call yesterday, I can confirm via this email that Apotex did not fund, suggest, comment on, or even review the draft petition that was filed by my client, Argentum, in IPR2017-00807. Nor has Argentum entered into any agreements with Apotex at the time involving this IPR or the drug at issue, Dynista.

Although not expressly discussed on the call yesterday, we also dispute your characterization of the arguments raised in the petition as being “substantial questions” with the theories raised by Apotex during trial. For example, the first argument proposed by Apotex returns content inform.

Argentum attended the public portions of the trial and is using the same experts,

We can I would like to know what else you have for proceeding in view of the above. I think to anything else you would like to discuss, let me know.

Mike

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—Original Message—
From: Adam LaRock [mailto:ALAROCK@sigf.com]
Sent: Sunday, March 19, 2017 4:21 PM
To: Houston, Michael R.

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POR at 6; CIP2127

Reasons for Objection:

Argentum objects to the portions of slide 5 of Patent Owner's demonstrative exhibit advancing the argument that a representative from Petitioner Argentum attended the public portions of the Apotex trial (*i.e.*, the entire trial (*see* POPR (Paper 7) at 13)) because Patent Owner knows this to be untrue by virtue of a communication from Petitioner's counsel to Patent Owner's counsel representing that no one from Argentum attended the last day of the Apotex trial which was open to the public, (*i.e.*, Friday, December 16, 2016 (*see* Exhibit 2021)), with Patent Owner's understanding of said communication being evidenced by Patent Owner's subsequent email to the Board dated July 19, 2017, conceding that Petitioner's representative attended only portions of the trial.

Dated: May 14, 2018

By: /Michael R. Houston/

Reg. No. 58,486

Counsel for Petitioner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **PETITIONER'S OBJECTIONS TO PATENT OWNER'S DEMONSTRATIVE EXHIBIT PURSUANT TO PAPER NO. 40** was filed and served on May 14, 2018, on Counsel for Patent Owner via electronic mail to the following:

dvarughe-PTAB@skgf.com
dsterlin-PTAB@skgf.com
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Dated: May 14, 2018

By: /Michael R. Houston/

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