## UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ACTAVIS LLC, Petitioner

V.

ABRAXIS BIOSCIENCE, LLC, Patent Owner

Case IPR2017-01101 Patent 7,820,788 B2

PETITIONER'S OBJECTIONS TO EVIDENCE



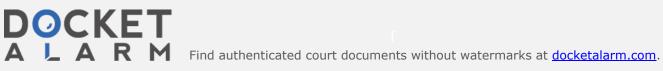
Pursuant to 37 C.F.R. §42.64(b)(1), Petitioner objects to the admissibility of evidence submitted during the preliminary proceeding as follows:<sup>1</sup>

Exhibit(s)	Objection(s)	
1023	To the extent Patent Owner relies on the Declaration of Neil P.	
¶¶ 6–39	Desai for expert opinion and/or the truth of any matter asserted	
	therein (see, e.g., Paper 6 at 7–8, 40, 42, 55–62):	
	FRE 702(a): The declarant has not been shown to be qualified	
	as an expert on the subject matter of his declaration, and thus	
	cannot testify in the form of an opinion or otherwise in a manner	
	that would assist the Board to understand the evidence or to de-	
	termine a fact in issue.	
	FRE 702(b)-(d): The declarant's testimony is not based on suf-	
	ficient facts or data, is not the product of reliable principles and	
	methods, and does not reliably apply such principles and meth-	
	ods to the facts of the case.	
	FRE 703: The facts or data on which the declarant relies are in-	
	admissible, and their probative value does not substantially out-	
	weigh their prejudicial effect.	

<sup>&</sup>lt;sup>1</sup> References to "FRE" are to the Federal Rules of Evidence.



Exhibit(s)	Objection(s)		
	FRE 801/802: To the extent Petitioner is not afforded the op		
	portunity to cross-examine the declarant pursuant to 37 C.F.R.		
	§42.51(b)(1)(ii), the statements in this exhibit are hearsay and do		
	not fall under any exceptions.		
	Lack of Foundation: The declarant does not provide sufficient		
	explanation for the bases of the declaratory testimony.		
2001	FRE 702(b)-(d): The declarant's testimony is not based on suf-		
¶¶ 25, 28–36	ficient facts or data, is not the product of reliable principles and		
	methods, and does not reliably apply such principles and meth-		
	ods to the facts of the case.		
	FRE 703: The facts or data on which the declarant relies are in		
	admissible, and their probative value does not substantially out-		
	weigh their prejudicial effect.		
	FRE 801/802: To the extent Petitioner is not afforded the op-		
	portunity to cross-examine the declarant pursuant to 37 C.F.R.		
	§42.51(b)(1)(ii), the statements in this exhibit are hearsay and do		
	not fall under any exceptions.		
	Lack of Foundation: The declarant does not provide sufficient		
	explanation for the bases of the declaratory testimony.		



Exhibit(s)	Objection(s)	
2006	FRE 901/902: Patent Owner has not produced evidence suffi-	
2010	cient to support a finding that any of these exhibit is what Patent	
2015	Owner claims it is, nor has Patent Owner presented any evidence	
2032	that any of these exhibits is self-authenticating under FRE 902.	
2051	FRE 1002/1003: Patent Owner has not shown that any of these	
	exhibits is an original document or an authentic duplicate.	
2044	FRE 401/402/403 / Improper Incorporation by Reference:	
2045	Neither Patent Owner nor its declarant cited these exhibits, and	
	thus they are irrelevant, unduly prejudicial, and/or improperly in-	
	corporated by reference. See 37 C.F.R. §42.6(a)(3).	

Dated: October 24, 2017 Respectfully submitted,

WINSTON & STRAWN LLP

35 W. Wacker Drive /Samuel S. Park/
Chicago, IL 60601 Samuel S. Park
Telephone: 312-558-7931 Reg. No. 59,656

Fax: 312-558-5700

Email: AbraxaneIPR@winston.com Lead Counsel for Petitioner



## CERTIFICATE OF SERVICE ON PATENT OWNER

The undersigned hereby certifies that a copy of the foregoing *Petitioner's*Objections to Evidence was served on October 24, 2017, via email on the following lead and backup counsel of record for Patent Owner:

J. Patrick Elsevier	F. Dominic Cerrito
Anthony M. Insogna	Andrew S. Chalson
Cary Miller Lisamarie LoGiudice	Frank C. Calvosa
JONES DAY	QUINN EMANUEL URQUHART &
jpelsevier@jonesday.com	SULLIVAN, LLP
aminsogna@jonesday.com	nickcerrito@quinnemanuel.com
cmiller@jonesday.com	andrewchalson@quinnemanuel.com
llogiudice@jonesday.com	frankcalvosa@quinnemanuel.com

Dated: October 24, 2017 Respectfully submitted,

WINSTON & STRAWN LLP

35 W. Wacker Drive Chicago, IL 60601

Telephone: 312-558-7931

Fax: 312-558-5700

Email: AbraxaneIPR@winston.com

1 3

/Samuel S. Park/ Samuel S. Park

Reg. No. 59,656

Lead Counsel for Petitioner

