

Filed on behalf of: Abraxis Bioscience, LLC

Filed: November 7, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ACTAVIS LLC,
Petitioner

v.

ABRAXIS BIOSCIENCE, LLC,
Patent Owner

Case IPR2017-01104
U.S. Patent No. 8,138,229

**PATENT OWNER'S RESPONSE TO PETITIONER'S OBJECTIONS TO
EVIDENCE
UNDER 37 CFR 42.64(b)(1) and (b)(2)**

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner Actavis LLC (“Actavis”) served objections to evidence submitted by Patent Owner Abraxis Bioscience, LLC (“Abraxis”) in support of its Patent Owner Preliminary Response to the Petition for *Inter Partes* Review of U.S. Patent No. 8,138,229, Case IPR2017-01104. Actavis raised general objections to Abraxis’s expert declaration and other evidence without detailing the basis of those objections. Abraxis disagrees with each of Actavis’s objections and submits supplemental evidence pursuant to 37 C.F.R. § 42.64(b)(2).

If Actavis files a motion to exclude any of the evidence, Abraxis reserves the right to respond to Actavis’s motion and objections in detail pursuant to 37 C.F.R. § 42.23. Abraxis also reserves the right to submit supplemental evidence because Actavis’s objections are general and vague so as not to provide proper notice as to the nature of its objections.

Dated: November 7, 2017

/ J. Patrick Elsevier, Ph.D. /
J. Patrick Elsevier, Ph.D. (Reg. No. 44,668)
Anthony M. Insogna (Reg. No. 35,203)
Cary Miller, Ph.D. (Reg. No. 54,708)
Lisamarie LoGiudice, Ph.D. (Reg. No. 71,047)
JONES DAY
4655 Executive Drive, Suite 1500
San Diego, CA 92121-3134
Tel: (858) 314-1200
Fax: (844) 345-3178
jpelsevier@jonesday.com
aminsogna@jonesday.com

cmiller@jonesday.com
llogiudice@jonesday.com

F. Dominic Cerrito (Reg. No. 38,100)
Andrew S. Chalson (pro hac vice)
Frank C. Calvosa (Reg. No. 69,064)
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
51 Madison Avenue, 22nd Floor
New York, NY 10010
General Tel: (212) 849-7000
Direct Tel: (212) 849-7450
Fax: (212) 849-7100
nickcerrito@quinnemanuel.com
andrewchalson@quinnemanuel.com
frankcalvosa@quinnemanuel.com

*Counsel for Patent Holder
Abraxis Bioscience, LLC*

CERTIFICATE OF SERVICE

The undersigned certifies that on the date indicated below a copy of the foregoing PATENT OWNER’S RESPONSE TO PETITIONER’S OBJECTIONS TO EVIDENCE UNDER 37 CFR 42.64(b)(1) and (b)(2) was served electronically by filing these documents through the PTAB E2E System, as well as by e-mailing copies to the following counsel of record for Petitioner Actavis LLC:

Lead Counsel	Backup Counsel
Samuel S. Park, Reg. No. 59,656 WINSTON & STRAWN LLP 35 W. Wacker Drive Chicago, IL 60601 AbraxaneIPR@winston.com	George C. Lombardi Charles B. Klein Kevin E. Warner Eimeric Reig-Plessis WINSTON & STRAWN LLP 35 W. Wacker Drive Chicago, IL 60601 AbraxaneIPR@winston.com

Dated: November 7, 2017

/Lisamarie LoGiudice, Ph.D./
Lisamarie LoGiudice, Ph.D. (Reg. No. 71,047)
JONES DAY
250 Vesey Street
New York, NY 10281-1047
Telephone: 212-326-3939
Facsimile: 212-755-7306

*Counsel for Patent Holder
Abraxis Bioscience, LLC*