

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Celltrion, Inc.
Petitioner,

v.

Genentech, Inc.
Patent Owner

Patent No. 6,407,213

Inter Partes Review No. IPR2017-01373

PETITIONER CELLTRION'S MOTION TO EXCLUDE EVIDENCE

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

I. Introduction

Pursuant to 37 C.F.R. § 42.64(c), the Board's Scheduling Order (Paper 16), and the Federal Rules of Evidence, Petitioner Celltrion, Inc. hereby moves to exclude, in whole or in part, Exhibits 2001-2009, 2014-2018, 2021, 2029, 2041-2044, 2053, 2055, and 2059-2062 submitted by Patent Owner Genentech, Inc. Petitioner also moves to exclude the following paragraphs from the Declarations submitted by Patent Owner: paragraphs 11-30, 32, 34-36, 38, 39, 41-50 of Exhibit 2016; paragraphs 12, 15, 20, 23-29, 35-39, 41, 43-50, 53, 54-56, 59-65, 68, 70, 73-75, and 78 of Exhibit 2017; paragraphs 9, 10, 12-17, 19, and 21-23 of Exhibit 2018; and paragraphs 25, 36-37, 48, 65, 172, 180, 186, and 231 of Exhibit 2041.

II. Identification of Original Objections

Petitioner timely raised objections to Patent Owner's evidence on December 15, 2017, and March 15, 2018. (Papers 21 and 40, respectively.) Patent Owner did not address Petitioner's objections with supplemental evidence or otherwise. Here, Petitioner requests the Board to exclude additional evidence that was not objected to in the prior papers because Petitioner was not aware of the circumstances that give rise to the objections when the prior objections were submitted. Petitioner did not appreciate the identity of Exhibits 2001-2009 until the depositions of Patent Owners' witnesses, at which time Petitioner promptly lodged its objections. (Ex. 1141, 7:10-8:7, 8:23-10:2.)

**III. Exhibits 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, and 2009
Should Be Excluded as Unauthenticated, Not the Best Evidence, and
Hearsay**

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