

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICRO LABS LIMITED AND MICRO LABS USA INC.
Petitioners,

v.

SANTEN PHARMACEUTICAL CO., LTD. AND ASAHI GLASS CO., LTD.
Patent Owners.

Case IPR2017-01434
U.S. Patent No. 5,886,035

PATENT OWNERS' OBJECTIONS TO EVIDENCE

PURSUANT TO 37 C.F.R. § 42.64(b)(1)

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owners Santen Pharmaceutical Co., Ltd. (“Santen”) and Asahi Glass Co., Ltd. (“AGC”) (together, “Patent Owners”) hereby file these objections to evidence submitted by Petitioners Micro Labs Limited and Micro Labs USA Inc. (together, “Petitioners”) in connection with their Petition for *Inter Partes Review* of U.S. Patent No. 5,886,035 (“the ’035 Patent”), Case No. IPR2017-01434.

Petitioner’s Updated Exhibit List (Paper 14)

Patent Owners object to Petitioner’s Updated Exhibit List as it contains unauthorized argument regarding the alleged admissibility of Exhibits 1029 and 1030.

Ex. 1029 (replacement of Ex. 1006, JP-A-7070054 to Ueno Japan *et al.*)

Patent Owners object to this exhibit under Fed. R. Evid. 602 in that the certification included in the exhibit does not establish that the signers have personal knowledge concerning the accuracy of the English translation. Patent Owners further object to this exhibit under Fed. R. Evid. 104(b) as any relevance of the exhibit depends on the accuracy of the English translation, and proof sufficient to support a finding that the English translation is accurate has not been introduced. Specifically, the certification included in the exhibit does not establish that the signer is able to assert, based upon personal knowledge or expertise, that the English translation is accurate.

Ex. 1030 (replacement of Ex. 1007, Bezuglov, V. V. & L. D. Bergelson, “Fluoroprostaglandins – A New Class of Biologically Active Analogues of Natural Prostaglandins” in Lipids of Biological Membranes (L.D. Bergelson, ed., 1982))

Patent Owners object to this exhibit under Fed. R. Evid. 602 in that the certification included in the exhibit does not establish that the signer has personal knowledge concerning the accuracy of the English translation. Patent Owners further object to this exhibit under Fed. R. Evid. 104(b) as any relevance of the exhibit depends on the accuracy of the English translation, and proof sufficient to support a finding that the English translation is accurate has not been introduced. Specifically, the certification included in the exhibit does not establish that the signer is able to assert, based upon personal knowledge or expertise, that the English translation is accurate.

These objections are being timely filed and served within 5 business days of the institution of the trial, in accordance with 37 C.F.R. § 42.64(b)(1).

Respectfully submitted,

Dated: December 18, 2017

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Patent Owners' Objections to Evidence Pursuant to 37 C.F.R. § 42.64(b)(1) was served on December 18, 2017, by filing this document through the Patent Trial and Appeal Board End to End System as well as delivering a copy via electronic mail upon the following attorneys of record for the Petitioner:

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