

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TARO PHARMACEUTICALS U.S.A., INC.,
Petitioners,

v.

APOTEX TECHNOLOGIES, INC.,
Patent Owner.

Case IPR2017-01446
U.S. Patent No. 7,049,328

Title: USE FOR DEFERIPRONE

**PATENT OWNER'S MOTION TO EXCLUDE
PETITIONER'S EVIDENCE PURSUANT TO 37 C.F.R. § 42.64(c)**

Table of Contents

I.	INTRODUCTION	1
II.	LEGAL STANDARDS	1
III.	ARGUMENT	1
A.	Certain Portions of Exhibit 1002 Should be Excluded	1
1.	¶¶ 63-85 should be excluded under FRE 702 and 703	1
2.	¶¶ 26-28, 30, 33, 34, 36, 37, 40, 55, 56, 60, 64, 66, 67, 72, 74-76, 80, and 82-85 should be excluded under FRE 702, 703, 705, 403; Guide, 77 Fed. Reg. at 48,763; 37 C.F.R. § 42.65	3
3.	¶¶ 30, 31, 37-40, 63-65, 68-71, and 80-81 should be excluded under FRE 402	4
B.	Exhibits 1005, 1006, 1022, 1024, 1026, and 1030 Should be Excluded Under FRE 402.....	4
C.	Exhibits 1028, 1029, 1031, and 1033-1035 Should be Excluded Under FRE 401-403	5
D.	Exhibits 1037, 1038, 1040-1043, 1045, and 1047-1049 Should be Excluded Under FRE 401-403, 801-802, and 901	5
1.	Exhibits 1037, 1038, 1040-1043, 1045, and 1047-1049 are irrelevant and unfairly prejudicial under FRE 401-403.....	6
2.	Exhibits 1038, 1040-1043, and 1045 are inadmissible hearsay under FRE 801 and 802	7
3.	Exhibits 1037, 1038, 1040-1043, 1045, and 1047-1049 are inadmissible under FRE 901	8
E.	Exhibits 1052-1054 and 1056 Should be Excluded Under FRE 401-403	9
F.	Certain Portions of Exhibit 1060 Should be Excluded	10
1.	¶¶ 19-50 should be excluded under FRE 702 and 703	10

2.	¶¶ 5, 14-16, 18, 20, 21-23, 36, 38-41, and 45-46 should be excluded under FRE 702, 703, 705, 403; Guide, 77 Fed. Reg. at 48,763; 37 C.F.R. § 42.65	10
3.	¶¶ 14, 25, 28, and 44-45 and footnotes 1, 3, and 8 should be excluded under FRE 401 and 402.....	11
G.	Exhibits 1063-1066 Should be Excluded Under FRE 401-403	12
H.	Exhibit 1065 and Corresponding ¶ 25 of Exhibit 1060 Should be Excluded Under FRE 401, 402, and 901.....	12
IV.	CONCLUSION.....	15

Table of Authorities

Cases	Page(s)
<i>Legend3D, Inc. v. Prime Focus Creative Servs. Can. Inc.</i> , IPR2016-00806, Paper 73 (PTAB Sept. 18, 2017)	1
<i>Neste Oil OYJ v REG Synthetic Fuels, LLC</i> , IPR2013-00578, Paper 53 (PTAB Mar. 12, 2015).....	13, 14
<i>Riverbed Tech., Inc. v. Realtime Data LLC</i> , IPR2016-00978, Paper 67 (PTAB Oct. 30, 2017).....	9, 14, 15
<i>TRW Auto. U.S. LLC v Magna Elecs. Inc.</i> , IPR2014-01347, Paper 25 (PTAB Jan. 6, 2016)	9, 14
 Statutes & Regulations	
37 C.F.R. § 42.62	1
37 C.F.R. § 42.64(c).....	1
37 C.F.R. § 42.65	3, 4, 10, 11
 Rules	
77 Fed. Reg. 48,756-48,773 (Aug. 14, 2012)	1, 3, 4, 10, 11
FRE 401	5, 6, 7, 9, 11, 12, 13
FRE 402	4, 5, 6, 7, 9, 12, 13
FRE 403	3, 4, 5, 6, 7, 9, 10, 11, 12
FRE 702	2, 3, 4, 10, 11
FRE 703	2, 3, 4, 10, 11
FRE 705	3, 4, 10, 11

FRE 8015, 7, 8
FRE 8025, 7, 8
FRE 9015, 8, 12, 13
FRE 90213

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.