

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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PFIZER, INC., and  
SAMSUNG BIOEPIS CO., LTD.,  
Petitioners,

v.

GENENTECH, INC.,  
Patent Owner.

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Case IPR2017-01488<sup>1</sup>  
Patent 6,407,213

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**PETITIONER PFIZER'S OBJECTIONS TO ADMISSIBILITY OF  
EVIDENCE**

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<sup>1</sup> Case IPR2017-02139 has been joined with this proceeding.

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner objects to the admissibility of evidence as follows:

Exhibit(s)	Objections <sup>2</sup>
2041	<p><b>FRE 602:</b> The declarant lacks sufficient personal knowledge to testify on the asserted subject matter. <i>See, e.g.,</i> ¶¶ 45, 47, 57, 60, 64–87, 89–95, 98–100, 102, 111, 112, 116, 122, 126, 127, 133, 135–38, 141, 144, 147, 149, 152, 157, 160, 162, 163, 165–68, 171–85, 187–92, 194–97, 199–208, 210–14, 216–224, 226–38, 240–48, 250, 251, 253, 254, 256–59, 261–68.</p> <p><b>FRE 702:</b> The declarant is not 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. The testimony is based on insufficient facts or data, the product of unreliable principles or methods, and/or an unreliable application of the principles or methods to the facts of this case.</p>

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<sup>2</sup> References to “FRE” are to the Federal Rules of Evidence.

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	<p><b>FRE 703:</b> Patent Owner has not established that an expert in the particular field would reasonably rely on the kinds of facts or data relied upon in forming an opinion on the subject. The probative value of the testimony is substantially outweighed by the danger of unfair prejudice.</p> <p><b>FRE 705/37 C.F.R. § 42.65:</b> The testimony lacks a disclosed basis of sufficient facts or data.</p> <p><b>FRE 801/802:</b> The testimony relies on hearsay if offered to prove the truth of any matter asserted therein, and does not fall under any exceptions.</p> <p><b>FRE 901/902:</b> The testimony relies on improper exhibits for which Patent Owner has not produced evidence sufficient to support a finding that the exhibits are what Patent Owner claims they are. Nor has Patent Owner presented any evidence that these exhibits are self-authenticating under FRE 902. <i>See, e.g.</i>, ¶¶ 87, 122, 187.</p> <p><b>FRE 1002/1003:</b> The testimony relies on evidence that Patent Owner has not shown is the original document or an authentic duplicate. <i>See, e.g.</i>, ¶¶ 87, 122, 187.</p>

Exhibit(s)	Objections <sup>2</sup>
	<p><b>Lack of Foundation:</b> The declarant does not provide sufficient explanation of what the evidence allegedly shows.</p>
2042	<p><b>FRE 401/402:</b> This document is irrelevant. Patent Owner has failed to identify any fact of consequence in determining an issue in this proceeding that is made more or less probable by this exhibit.</p> <p><b>FRE 403:</b> Any probative value of the exhibit is substantially outweighed by a danger of confusing the issues.</p> <p><b>FRE 801/802:</b> The exhibit relies on hearsay if offered to prove the truth of any matter allegedly asserted therein, and does not fall under any exceptions.</p> <p><b>Lack of Foundation:</b> Patent Owner has not provided sufficient explanation of what the evidence allegedly shows.</p>
2043	<p><b>FRE 401/402:</b> This document is irrelevant. Patent Owner has failed to identify any fact of consequence in determining an issue in this proceeding that is made more or less probable by this exhibit.</p> <p><b>FRE 403:</b> Any probative value of the exhibit is substantially outweighed by a danger of confusing the issues.</p>

Exhibit(s)	Objections <sup>2</sup>
	<p><b>FRE 801/802:</b> The exhibit relies on hearsay if offered to prove the truth of any matter allegedly asserted therein, and does not fall under any exceptions.</p> <p><b>Lack of Foundation:</b> Patent Owner has not provided sufficient explanation of what the evidence allegedly shows.</p>
2044	<p><b>FRE 401/402:</b> This document is irrelevant. Patent Owner has failed to identify any fact of consequence in determining an issue in this proceeding that is made more or less probable by this exhibit.</p> <p><b>FRE 403:</b> Any probative value of the exhibit is substantially outweighed by a danger of confusing the issues.</p> <p><b>FRE 801/802:</b> The exhibit relies on hearsay if offered to prove the truth of any matter allegedly asserted therein, and does not fall under any exceptions.</p> <p><b>FRE 901/902:</b> Patent Owner has not produced evidence sufficient to support a finding that the exhibit is what Patent Owner claims it is. Nor has Patent Owner presented any evidence that the exhibit is self-authenticating under FRE 902.</p>

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