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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PFIZER, INC. AND
SAMSUNG BIOEPIS CO., LTD.;
Petitioners,

v.

GENENTECH, INC.,
Patent Owner.

Case IPR2017-01489¹
U.S. Patent No. 6,407,213

**PATENT OWNER'S OBJECTIONS TO EVIDENCE
PURSUANT TO 37 C.F.R. § 42.64**

¹ Case IPR2017-02140 has been joined with this proceeding.

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Genentech, Inc.

("Genentech") presents the following objections to evidence served with Petitioner Pfizer, Inc. and Samsung Bioepis Co., Ltd.'s (collectively, "Petitioners") Reply (Paper 56).

I. Exhibits 1693-1696 and 1706-1711

Genentech objects to Exhibits 1693-1696 and 1706-1711 for the following reasons.

A. Exhibit 1693

Genentech objects to Exhibit 1693 as a new exhibit that was not included in the Petition or the instituted grounds, or any submission by Patent Owner. *See* 37 C.F.R. § 42.23(b). Genentech objects to the use of Exhibit 1693 on the grounds that it is irrelevant because it is not part of the instituted grounds, and because Petitioners' use of the exhibit is misleading, confusing, and unfairly prejudicial. *See* Fed. R. Evid. 401, 402, 403. Genentech further objects to Exhibit 1693 as inadmissible hearsay. *See* Fed. R. Evid. 801, 802.

B. Exhibit 1694

Genentech objects to Exhibit 1694 as a new exhibit that was not included in the Petition or the instituted grounds, or any submission by Patent Owner. *See* 37 C.F.R. § 42.23(b). Genentech objects to the use of Exhibit 1694 on the grounds that it is irrelevant to the instituted grounds because it is not prior art, not part of

the instituted grounds, not probative of the state of the art at the time of the invention, and because Petitioners' use of the exhibit is misleading, confusing, and unfairly prejudicial. *See* Fed. R. Evid. 401, 402, 403. Genentech further objects to Exhibit 1694 as inadmissible hearsay. *See* Fed. R. Evid. 801, 802.

C. Exhibit 1695

Genentech objects to Exhibit 1695 as a new exhibit that was not included in the Petition or the instituted grounds, or any submission by Patent Owner. *See* 37 C.F.R. § 42.23(b). Genentech objects to the use of Exhibit 1195 on the grounds that it is irrelevant to the instituted grounds because it is not part of the instituted grounds and because Petitioners' use of the exhibit is misleading, confusing, and unfairly prejudicial. *See* Fed. R. Evid. 401, 402, 403. Genentech further objects to Exhibit 1695 as inadmissible hearsay. *See* Fed. R. Evid. 801, 802.

D. Exhibit 1696

Genentech objects to Exhibit 1696 as a new exhibit that was not included in the Petition or the instituted grounds, or any submission by Patent Owner. *See* 37 C.F.R. § 42.23(b). Genentech objects to the use of Exhibit 1695 on the grounds that it is irrelevant to the instituted grounds because it is not part of the instituted grounds and because Petitioners' use of the exhibit is misleading, confusing, and unfairly prejudicial. *See* Fed. R. Evid. 401, 402, 403. Genentech further objects to Exhibit 1695 as inadmissible hearsay. *See* Fed. R. Evid. 801, 802.

E. Exhibit 1706

Genentech objects to Exhibit 1706 as a new exhibit that was not included in the Petition or the instituted grounds, or any submission by Patent Owner. *See* 37 C.F.R. § 42.23(b). Genentech objects to the use of Exhibit 1706 on the grounds that it is irrelevant to the instituted grounds because it is not prior art, not part of the instituted grounds, not probative of the state of the art at the time of the invention, and because Petitioners' use of the exhibit is misleading, confusing, and unfairly prejudicial. *See* Fed. R. Evid. 401, 402, 403. Genentech further objects to Exhibit 1706 as inadmissible hearsay. *See* Fed. R. Evid. 801, 802.

F. Exhibit 1707

Genentech objects to Exhibit 1707 as a new exhibit that was not included in the Petition or the instituted grounds, or any submission by Patent Owner. *See* 37 C.F.R. § 42.23(b). Genentech objects to the use of Exhibit 1707 on the grounds that it is irrelevant to the instituted grounds because it is not part of the instituted grounds and because Petitioners' use of the exhibit is misleading, confusing, and unfairly prejudicial. *See* Fed. R. Evid. 401, 402, 403. Genentech further objects to Exhibit 1707 as inadmissible hearsay. *See* Fed. R. Evid. 801, 802.

G. Exhibit 1708

Genentech objects to Exhibit 1708 as a new exhibit that was not included in the Petition or the instituted grounds, or any submission by Patent Owner. *See* 37

C.F.R. § 42.23(b). Genentech objects to the use of Exhibit 1708 on the grounds that it is irrelevant to the instituted ground of obviousness because it is not part of the instituted ground and because Petitioners' use of the exhibit is misleading, confusing, and unfairly prejudicial. *See* Fed. R. Evid. 401, 402, 403. Genentech further objects to Exhibit 1708 as inadmissible hearsay. *See* Fed. R. Evid. 801, 802.

H. Exhibit 1709

Genentech objects to Exhibit 1709 as a new exhibit that was not included in the Petition or the instituted grounds, or any submission by Patent Owner. *See* 37 C.F.R. § 42.23(b). Genentech objects to the use of Exhibit 1709 on the grounds that it is irrelevant to the instituted grounds because it is not part of the instituted grounds and because Petitioners' use of the exhibit is misleading, confusing, and unfairly prejudicial. *See* Fed. R. Evid. 401, 402, 403. Genentech further objects to Exhibit 1709 as inadmissible hearsay. *See* Fed. R. Evid. 801, 802.

I. Exhibit 1710

Genentech objects to Exhibit 1710 as a new exhibit that was not included in the Petition or the instituted ground, or any submission by Patent Owner. *See* 37 C.F.R. § 42.23(b). Genentech objects to the use of Exhibit 1710 on the grounds that it is irrelevant to the instituted grounds because it not part of the instituted grounds and because Petitioners' use of the exhibit is misleading, confusing, and

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