Paper No. ____ Date Filed: June 27, 2018

Filed On Behalf Of:

Novartis Pharmaceuticals Corporation

By:

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BRECKENRIDGE PHARMACEUTICAL, INC.,

Petitioner,

v.

NOVARTIS PHARMACEUTICALS CORPORATION,

Patent Owner.

Case IPR2017-01592

Patent No. 8,410,131

PATENT OWNER'S OBJECTIONS UNDER 37 C.F.R. § 42.64 TO EVIDENCE SUBMITTED BY PETITIONER WITH ITS REPLY



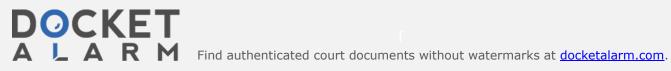
Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Novartis Pharmaceuticals Corporation ("Novartis") objects to the following exhibits filed with Petitioner's Breckenridge Pharmaceutical, Inc. (Petitioner) Reply on the grounds set forth below.

In this paper, a reference to "F.R.E." means the Federal Rules of Evidence, a reference to "C.F.R." means the Code of Federal Regulations, and "the '131 Patent" means U.S. Patent No. 8,410,131. All objections under F.R.E. 802 (hearsay) and 37 C.F.R § 42.61(c) (hearsay) apply to the extent Petitioner relies on the exhibits identified in connection with that objection for the truth of the matters asserted therein. Novartis's objections to Petitioner's exhibits are without prejudice to Novartis's reliance on or discussion of those exhibits in Novartis's papers in this proceeding.

Novartis's objections are as follows:



Ex. No.	Description		Patent Owner's Objections
LA. 110.	Description		Tatent Owner 5 Objections
1121	Shrinkage	•	F.R.E. 802 (hearsay).
	table		Tituzi 002 (neurouy).
	showing results of	•	F.R.E. 402 (relevance).
	the	•	F.R.E. 403 (confusing, waste of time).
	Weckbecker in vivo		F.R.E. 106 (incomplete).
	assay		r.K.E. 100 (meomplete).
		•	F.R.E. 901 (authentication). Petitioner has not provided sufficient
			is authentic or that the exhibit is self-authenticating under F.R.E. 90
		•	Improper and untimely to the extent they are cited in support of Pet
			case as they should have been included in the evidence served with
			as required by 35 U.S.C. § 312(a)(3) and 37 C.F.R. §§ 42.22(a)(2),
		•	F.R.E. 402 (relevance), F.R.E. 403 (confusing, waste of time), F.R.
			testimony), F.R.E. 703 (bases for expert opinion), as it is not releva
			IPR proceeding, and is not the type of document upon which a pers



Ex. No.	Description		Patent Owner's Objections
			the art at the time of invention would rely.
		•	37 C.F.R. §§ 42.22(a)(2), 42.104(b)(2) and (b)(5), 35 U.S.C. § 311
			(relevance), F.R.E. 403 (confusing, waste of time), F.R.E. 702 (imp
			and F.R.E. 703 (bases for expert opinion) as this document was not
			February 19, 2001 priority date of the '131 Patent, the October 17,
			'131 Patent, or the February 18, 2002 application date of the '131 H
			of document upon which a person of ordinary skill in the art at the
			rely.
		•	35 U.S.C. § 312(a)(3), 37 C.F.R. §§ 42.22(a)(2), 42.24(a), 42.104(b)
			document is not cited in the Reply, and therefore any attempt by Pe
			Exhibit to establish unpatentability (either directly by citing this Ex
			citing paragraphs of Petitioner's expert declaration that discusses the
			and untimely and will constitute an improper incorporation by refe



Ex. No.	Description	Patent Owner's Objections
		42.6(a)(3). See Ex. 1126 (Burris Deposition Transcript) at 25:23-2
		• 37 C.F.R. § 42.104(b)(5) (failure to identify specific portions of ev
1122	O'Donnell	• F.R.E. 802 (hearsay).
		• F.R.E. 402 (relevance).
		• F.R.E. 403 (confusing, waste of time).
		• Improper and untimely to the extent they are cited in support of Pet
		case as they should have been included in the evidence served with
		as required by 35 U.S.C. § 312(a)(3) and 37 C.F.R. §§ 42.22(a)(2),
		• 37 C.F.R. §§ 42.22(a)(2), 42.104(b)(2) and (b)(5), 35 U.S.C. § 311
		(relevance), F.R.E. 403 (confusing, waste of time), F.R.E. 702 (imp
		and F.R.E. 703 (bases for expert opinion) as this document was not
		February 19, 2001 priority date of the '131 Patent, the October 17,



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