

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WATSON LABORATORIES, INC.

Petitioner

v.

UNITED THERAPEUTICS CORP.

Patent Owner

Patent No. 9,358,240

Issue Date: June 7, 2016

Title: TREPROSTINIL ADMINISTRATION BY INHALATION

Inter Partes Review No. 2017-01621

PATENT OWNER OBJECTIONS TO EVIDENCE

PATENT OWNER OBJECTIONS TO EVIDENCE

Under 37 C.F.R. 42.64(b)(1), United Therapeutics Corporation (“Patent Owner”) objects to the following exhibits filed by Watson Laboratories, Inc. (“Petitioner”) in support of its petition. These objections are timely; given the intervening federal holiday on January 15, 2018, they are being filed and served within ten business days of the January 11, 2018 decision to institute trial (Paper 10).

The objections are based on the Federal Rules of Evidence (FRE) and the Board’s rules in Part 42 of 37 C.F.R. (Bd. R.):

Exhibit No.	Objection
Exhibits 1002, ¶¶22-248 and 1055, ¶¶10-37	FRE 702, 703 – Expert testimony lacking appropriate basis; FRE 802 – Hearsay
Exhibit 1003	FRE 802 – Hearsay; FRE 901- Lacking proper authentication
Exhibit 1005	FRE 402, 403 – Lacking relevance, <i>i.e.</i> not prior art; FRE 802 – Hearsay
Exhibit 1006	FRE 402, 403 – Lacking relevance, <i>i.e.</i> relating to references on which trial was not instituted; FRE 802 – Hearsay; FRE 901- Lacking proper authentication
Exhibits 1007-1009, 1014, 1052,	FRE 402, 403 – Lacking relevance, <i>i.e.</i> relating to references on which trial was not instituted

and1060	
Exhibits 1038, 1042, 1043, 1049, 1051, 1053	FRE 402, 403 – Lacking relevance, <i>i.e.</i> relating to references on which trial was not instituted; FRE 901 – Lacking proper authentication
Exhibits 1013, ¶¶13-44	FRE 702, 703 – Expert testimony lacking appropriate basis; FRE 802 – Hearsay
Exhibits 1015, 1018-1027, 1030- 1034, 1040, 1041, 1047, 1050, 1054, 1056, 1057, 1084- 1086, 1104-1111, 1113, 1121, 1143- 1158, 1161 and 1164	FRE 402,403; Bd. R. 61(a), 104(b)(5) – Lacking relevance, <i>i.e.</i> not cited in the Petition or Petitioner's Reply
Exhibits 1035- 1047, 1039, 1044- 1046, 1048, 1050, 1060-1083, 1087- 1103, 1112, 1114- 1120, 1122-1135, 1137-1142, and1159	FRE 402,403; Bd. R. 61(a), 104(b)(5) – Lacking relevance, <i>i.e.</i> , not cited in the Petition or Petitioner's Reply; FRE 901 – Lacking proper authentication

Exhibit 1136

FRE 901 – Lacking proper authentication

In regard to the objections raised above under FRE 402, 403 – relating to relevance – Patent Owner reserves the right to raise further objections once relevance of these references has been asserted by Petitioner.

In light of these objections, Patent Owner likewise objects to any testimony or argument purporting to rely on the objected-to evidence.

Date: January 26, 2018

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing PATENT OWNER OBJECTIONS TO EVIDENCE is being served on January 26, 2018, by filing this document through the PTAB E2E System as well as delivering copies via email to the following counsel for the Petitioner:

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