

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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WATSON LABORATORIES, INC.  
Petitioner

v.

UNITED THERAPEUTICS CORP.  
Patent Owner

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Case : IPR2017-01621  
U.S. Patent 9,358,240

Before the Honorable TONI R. SCHEINER, ERICA A. FRANKLIN, and DAVID COTTA, *Administrative Patent Judges*.

**PETITIONER'S THIRD SET OF OBJECTIONS  
TO PATENT OWNER'S EXHIBITS**

Pursuant to 37 C.F.R. § 42.64(b)(1), the undersigned, on behalf of and acting in a representative capacity for Petitioner Watson Laboratories, Inc., hereby submit the following objections to Patent Owner United Therapeutics Corp.'s ("Patent Owner") Exhibits 2105-2147, and any reference to/reliance on the foregoing. These objections are in addition to Petitioner's Objections to Patent Owner's Exhibits dated January 26 and May 4, 2018, which remain operative and have not been waived. As

required by 37 C.F.R § 42.62, Petitioners' objections below apply the Federal Rules of Evidence and are based on currently-applicable law. Petitioner reserves the right to amend or supplement its objections in response to any change in law or fact.

## **I. OBJECTIONS TO EXHIBIT 2076**

Evidence objected to: Exhibit 2076

Grounds for objection: Exhibit 2076, a document titled "Second Declaration of Ms. Pilar Wyman," is objected to under Fed. R. Evid. 401, 403, 801 and 802. Exhibit 2076 includes statements that do not make any fact relevant to the grounds upon which trial was instituted more or less probable and any facts that might be established based on this exhibit is of no consequence in determining the issues on which trial was instituted. Introduction and evaluation of Exhibit 2076 would further lead to undue delay, confusion, and a waste of time. Exhibit 2076 also contains out-of-court statements made by one or more declarants for the purpose of proving the truth of the matter asserted, and on which Petitioner has not had a chance to cross exam. Exhibit 2076 also constitutes improper supplemental evidence submitted with Patent Owner's Supplemental Patent Owner's Response.

## **II. OBJECTIONS TO EXHIBIT 2105**

Evidence objected to: Exhibit 2105

Grounds for objection: Exhibit 2105, a document titled "Second Declaration of Dr. Aaron Waxman," is objected to under Fed. R. Evid. 401, 403, 801 and 802.

Exhibit 2105 includes statements that do not make any fact relevant to the grounds upon which trial was instituted more or less probable and any facts that might be established based on this exhibit is of no consequence in determining the issues on which trial was instituted. Introduction and evaluation of Exhibit 2105 would further lead to undue delay, confusion, and a waste of time. Exhibit 2105 also contains out-of-court statements made by one or more declarants for the purpose of proving the truth of the matter asserted, and on which Petitioner has not had a chance to cross exam.

### **III. OBJECTIONS TO EXHIBIT 2106**

Evidence objected to: Exhibit 2106

Grounds for objection: Exhibit 2106, a document titled “Declaration of Mr. Aaron Trippe,” is objected to under Fed. R. Evid. 401, 403, 801, 802. Exhibit 2106 includes statements that do not make any fact relevant to the grounds upon which trial was instituted more or less probable and any facts that might be established based on this exhibit is of no consequence in determining the issues on which trial was instituted. Introduction and evaluation of Exhibit 2106 would further lead to undue delay, confusion, and a waste of time. Exhibit 2106 also contains out-of-court statements made by one or more declarants for the purpose of proving the truth of the matter asserted, and on which Petitioner has not had a chance to cross exam.

#### **IV. OBJECTIONS TO EXHIBIT 2107**

Evidence objected to: Exhibit 2107

Grounds for objection: Exhibit 2107, a document titled “*Curriculum vitae* of Aaron Trippe,” is objected to under Fed. R. Evid. 401, 403, 801, 802. Exhibit 2107 includes statements that do not make any fact relevant to the grounds upon which trial was instituted more or less probable and any facts that might be established based on this exhibit is of no consequence in determining the issues on which trial was instituted. Introduction and evaluation of Exhibit 2107 would further lead to undue delay, confusion, and a waste of time. Exhibit 2107 also contains out-of-court statements made by one or more declarants for the purpose of proving the truth of the matter asserted, and on which Petitioner has not had a chance to cross exam. .

#### **V. OBJECTIONS TO EXHIBIT 2108**

Evidence objected to: Exhibit 2108

Grounds for objection: Exhibit 2108 is the transcript of the May 24, 2018 Deposition of Dr. Maureen Donovan. Pursuant to Board Rules 42.53(f)(4) and 42.53(f)(8), Petitioner relies on the objections made during the deposition and recorded in Exhibit 2108, which have not been waived. Petitioner reserves the right to file a motion to exclude such testimony.

#### **VI. OBJECTIONS TO EXHIBIT 2109**

Evidence objected to: Exhibit 2109

Grounds for objection: Exhibit 2109, a document titled “British Library Catalog Entry for Circulation,” is objected to under Fed. R. Evid. 401, 403, 801, 802, and 901. Exhibit 2109 includes statements that do not make any fact relevant to the grounds upon which trial was instituted more or less probable and any facts that might be established based on this exhibit is of no consequence in determining the issues on which trial was instituted. Introduction and evaluation of Exhibit 2109 would further lead to undue delay, confusion, and a waste of time. Exhibit 2109 contains out-of-court statements made by one or more declarants for the purpose of proving the truth of the matter asserted. Exhibit 2109 has not been properly authenticated. Exhibit 2109 also constitutes improper supplemental evidence submitted with Patent Owner’s Supplemental Patent Owner’s Response.

## **VII. OBJECTIONS TO EXHIBIT 2110**

Evidence objected to: Exhibit 2110

Grounds for objection: Exhibit 2110, a document titled “British Library Catalog Search Results for ‘Cardiology,’” is objected to under Fed. R. Evid. 401, 403, 801, 802, and 901. Exhibit 2110 includes statements that do not make any fact relevant to the grounds upon which trial was instituted more or less probable and any facts that might be established based on this exhibit is of no consequence in determining the issues on which trial was instituted. Further Exhibit 2110 was not cited in Patent Owner’s Supplemental Patent Owner Response. Introduction and

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