

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FLATWING PHARMACEUTICALS, LLC and
MYLAN PHARMACEUTICALS INC.,
Petitioners,

v.

ANACOR PHAMACEUTICALS, INC.,
Patent Owner.

Case No. IPR2018-00168¹
U.S. Patent No. 9,549,938

**PATENT OWNER'S OBJECTIONS TO
PETITIONER'S EVIDENCE**

¹ Case No. IPR2018-01358 has been joined with this proceeding

Pursuant to 37 C.F.R. § 42.64, Patent Owner Anacor Pharmaceuticals, Inc. (“Anacor”) submits the following objections to the exhibits filed by Petitioner FlatWing Pharmaceuticals, LLC (“FlatWing”) on December 7, 2018.

Exhibit 1048 is or purports to be a Declaration of Narasimha Murthy Ph.D. in Support of Petitioner’s Reply to Patent Owner’s Response. Anacor objects to paragraphs 2–5, 10, 12, and 17–19 of Exhibit 1048 as not responsive to the arguments and evidence cited in the Patent Owner’s Response and an improper attempt to present new evidence that could have been presented earlier. Specifically, Dr. Murthy’s new opinions regarding Austin, Brehove, and Freeman in paragraphs 2–5, 10, and 12 and his opinions regarding dose-ranging studies in paragraph 17–19 do not respond to Anacor’s arguments or evidence and could have been presented in his opening declaration in support of FlatWing’s petition for *inter partes* review (Ex. 1005).

Date: December 14, 2018

Respectfully submitted,

/Aaron P. Maurer/

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CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e))

The undersigned hereby certifies that a true and correct copy of the foregoing was served on December 14, 2018, by delivering a copy via electronic mail on the following attorneys of record for Petitioners:

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