

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.,
Petitioner,

v.

BIOGEN MA INC.,
Patent Owner.

IPR2018-01403
Patent No. 8,399,514

PATENT OWNER OBJECTIONS TO PETITIONER'S EXHIBITS

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Biogen MA Inc. (“Biogen”) submits the following objections to Mylan Pharmaceutical Inc.’s (“Mylan”) Exhibit Nos. 1006, 1010-1014, 1017-1019, 1021, 1023, 1024, 1027-1033, 1035-1037, 1042, 1044-1047, 1049-1052, 1054, and 1055. Biogen’s objections apply equally to Mylan’s reliance on these exhibits in any subsequently filed documents. These objections are timely, having been served within ten business days of the Board’s decision to institute a trial in this proceeding.

Exhibit 1006

Biogen objects to Exhibit 1006 under Fed. R. Evid. 106 because this Exhibit is only a portion of a larger document. Biogen also objects to this Exhibit under Rule 802. To the extent Petitioner relies on the contents of this Exhibit for the truth of the matter asserted, Biogen objects to such contents as inadmissible hearsay (*see* Rule 801) that does not fall under any exceptions, including those of Rules 803, 804, 805, and 807.

Exhibits 1010

Biogen objects to Exhibit 1010 under Fed. R. Evid. 802. To the extent Petitioner relies on the contents of this Exhibit for the truth of the matter asserted, Biogen objects to such contents as inadmissible hearsay (*see* Rule 801) that does not fall under any exceptions, including those of Rules 803, 804, 805, and 807. Biogen further objects to this Exhibit under Fed. R. Evid. 901 as not properly authenticated.

Exhibit 1011

Biogen objects to Exhibit 1011 under Fed. R. Evid. 802. To the extent Petitioner relies on the contents of this Exhibit for the truth of the matter asserted, Biogen objects to such contents as inadmissible hearsay (*see* Rule 801) that does not fall under any exceptions, including those of Rules 803, 804, 805, and 807. Biogen further objects to this Exhibit under Fed. R. Evid. 901 as not properly authenticated.

Exhibit 1012

Biogen objects to Exhibit 1012 under Fed. R. Evid. 802. To the extent Petitioner relies on the contents of this Exhibit for the truth of the matter asserted, Biogen objects to such contents as inadmissible hearsay (*see* Rule 801) that does not fall under any exceptions, including those of Rules 803, 804, 805, and 807. Biogen further objects to this Exhibit under Fed. R. Evid. 901 as not properly authenticated. Biogen further objects to this Exhibit under Rules 602 and 701 for lack of foundation, speculation, and lack of personal knowledge.

Exhibit 1013

Biogen objects to Exhibit 1013 under Fed. R. Evid. 802. To the extent Petitioner relies on the contents of this Exhibit for the truth of the matter asserted, Biogen objects to such contents as inadmissible hearsay (*see* Rule 801) that does not fall under any exceptions, including those of Rules 803, 804, 805, and 807.

Exhibit 1014

Biogen objects to Exhibit 1014 under Fed. R. Evid. 802. To the extent Petitioner relies on the contents of this Exhibit for the truth of the matter asserted, Biogen objects to such contents as inadmissible hearsay (*see* Rule 801) that does not fall under any exceptions, including those of Rules 803, 804, 805, and 807.

Exhibit 1017

Biogen objects to Exhibit 1017 under Fed. R. Evid. 402 for lack of relevance, as well as under Rule 403 as misleading, confusing, or likely to lead to unfair prejudice or waste of time. Biogen also objects to this Exhibit under Rule 802. To the extent Petitioner relies on the contents of this Exhibit for the truth of the matter asserted, Biogen objects to such contents as inadmissible hearsay (*see* Rule 801) that does not fall under any exceptions, including those of Rules 803, 804, 805, and 807.

Exhibit 1018

Biogen objects to Exhibit 1018 under Fed. R. Evid. 802. To the extent Petitioner relies on the contents of this Exhibit for the truth of the matter asserted, Biogen objects to such contents as inadmissible hearsay (*see* Rule 801) that does not fall under any exceptions, including those of Rules 803, 804, 805, and 807.

Exhibit 1019

Biogen objects to Exhibit 1019 under Fed. R. Evid. 402 for lack of relevance, as well as under Rule 403 as misleading, confusing, or likely to lead to unfair

prejudice or waste of time. Biogen also objects to this Exhibit under Rule 802. To the extent Petitioner relies on the contents of this Exhibit for the truth of the matter asserted, Biogen objects to such contents as inadmissible hearsay (*see* Rule 801) that does not fall under any exceptions, including those of Rules 803, 804, 805, and 807.

Exhibit 1021

Biogen objects to Exhibit 1021 under Fed. R. Evid. 402 for lack of relevance, as well as under Rule 403 as misleading, confusing, or likely to lead to unfair prejudice or waste of time. Biogen also objects to this Exhibit under Rule 802. To the extent Petitioner relies on the contents of this Exhibit for the truth of the matter asserted, Biogen objects to such contents as inadmissible hearsay (*see* Rule 801) that does not fall under any exceptions, including those of Rules 803, 804, 805, and 807.

Exhibit 1023

Biogen objects to Exhibit 1023 under Fed. R. Evid. 402 for lack of relevance, as well as under Rule 403 as misleading, confusing, or likely to lead to unfair prejudice or waste of time. Biogen also objects to this Exhibit under Rule 802. To the extent Petitioner relies on the contents of this Exhibit for the truth of the matter asserted, Biogen objects to such contents as inadmissible hearsay (*see* Rule 801) that does not fall under any exceptions, including those of Rules 803, 804, 805, and 807.

Exhibit 1024

Biogen objects to Exhibit 1024 under Fed. R. Evid. 402 for lack of relevance,

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