

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.,
SAWAI USA, INC., AND
SAWAI PHARMACEUTICAL CO., LTD.
Petitioner,

v.

BIOGEN MA INC.,
Patent Owner.

IPR2018-01403¹
Patent No. 8,399,514

**PATENT OWNER SECOND OBJECTIONS
TO PETITIONER'S EXHIBITS**

¹ Case IPR2019-00789 has been joined with this proceeding.

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Biogen MA Inc. (“Biogen”) submits the following objections to Petitioner’s Exhibit Nos. 1066, 1071, 1075, 1086, 1087, 1089-1095, 1105, 1106, 1113-1119, 1122, and 1124. Biogen’s objections apply equally to Petitioner’s reliance on these exhibits in any subsequently filed documents. These objections are timely filed and served within five business days of service. 37 C.F.R. § 42.64(b)(1).

Exhibit 1066

Biogen objects to Exhibit 1066 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.

Exhibits 1071, 1075, 1086, 1087, 1089-1095, 1105, 1106, 1113-1115, and 1124

Biogen objects to Exhibits 1071, 1075, 1086, 1087, 1089-1095, 1105, 1106, 1113-1115, and 1124 under Fed. R. Evid. 402 for lack of relevance. Biogen also objects to these Exhibits under Rule 802. To the extent Petitioner relies on the contents of these Exhibits 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 these Exhibits under Fed. R. Evid. 901 as not properly authenticated.

Exhibits 1116-1119

Biogen objects to Exhibits 1116-1119 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 these Exhibits under Rule 802. To the extent Petitioner relies on the contents of these Exhibits 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 1122

Biogen objects to Exhibit 1122 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. Biogen further objects to this Exhibit under Rules 602 and 701 for lack of foundation, speculation, and lack of personal knowledge.

Dated: October 14, 2019

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **Patent Owner Objections to Petitioner's Exhibits** was served electronically via e-mail on October 14, 2019, in its entirety on the following:

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