

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.,
Petitioner,

v.

SANOFI-AVENTIS DEUTSCHLAND GMBH,
Patent Owner.

Case IPR2018-01675
U.S. Patent No. 8,603,044

**PATENT OWNER'S OBJECTIONS TO DOCUMENTS SERVED WITH
THE PETITION**

Pursuant to 37 C.F.R. § 42.64(b), Patent Owner Sanofi-Aventis Deutschland GmbH hereby makes the following objections to the admissibility of documents submitted with the Petition.

Evidence	Petitioner's Description	Objections
Ex. 1001	U.S. Patent 8,679,069, <i>Pen-Type Injector</i> (issued Mar. 25, 2014)	FRE 401/402: This evidence is not relevant as it is not cited in the Petition or in the portions of the expert declaration relied upon by the Petition.
Ex. 1003	U.S. Patent 8,992,486, <i>Pen-Type Injector</i> (issued Mar. 31, 2015)	FRE 401/402: This evidence is not relevant as it is not cited in the Petition or in the portions of the expert declaration relied upon by the Petition.
Ex. 1004	U.S. Patent 9,526,844, <i>Pen-Type Injector</i> (issued Dec. 27, 2016)	FRE 401/402: This evidence is not relevant as it is not cited in the Petition or in the portions of the expert declaration relied upon by the Petition.
Ex. 1005	U.S. Patent 9,604,008, <i>Drive Mechanisms Suitable for Use in Drug Delivery Devices</i> (issued Mar. 28, 2017)	FRE 401/402: This evidence is not relevant as it is not cited in the Petition or in the portions of the expert declaration relied upon by the Petition.
Ex. 1006	File History for U.S. Patent 8,679,069	FRE 401/402: This evidence is not relevant as it is not cited in the Petition or in the portions of the expert declaration relied upon by the Petition. FRE 403: The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of confusing the issues and wasting resources.
Ex. 1008	File History for U.S. Patent 8,992,486	FRE 401/402: This evidence is not relevant as it is not cited in the Petition or in the portions of the expert declaration relied upon by the Petition.

Evidence	Petitioner's Description	Objections
		<p>FRE 403: The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of confusing the issues and wasting resources.</p>
<p>Ex. 1009</p>	<p>File History for U.S. Patent 9,526,844</p>	<p>FRE 401/402: This evidence is not relevant as it is not cited in the Petition or in the portions of the expert declaration relied upon by the Petition.</p> <p>FRE 403: The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of confusing the issues and wasting resources.</p>
<p>Ex. 1010</p>	<p>File History for U.S. Patent. 9,604,008</p>	<p>FRE 401/402: This evidence is not relevant as it is not cited in the Petition or in the portions of the expert declaration relied upon by the Petition.</p> <p>FRE 403: The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of confusing the issues and wasting resources.</p>
<p>Ex. 1011</p>	<p>Expert Declaration of Karl Leinsing MSME, PE in Support of Petition for <i>Inter Partes</i> Review of U.S. Patent Nos. 8,679,069; 8,603,044; 8,992,486; 9,526,844 and 9,604,008</p>	<p>FRE 701/702/703: Patent Owner objects to Ex. 1011 as being improper expert testimony because paragraphs 113-124, 126, 128-129, 131, 133-135, 137, 139-140, 142-144, 146-147, 150, 152-855 comprise testimony not based on sufficient facts or data, that is irrelevant, that is not based on a reliable foundation, and that constitutes conclusory opinions without sufficient support. It includes opinions that are not admissible under FRE 701, 702, or 703 or <i>Daubert v. Merrell Dow Pharms., Inc.</i>, 509 U.S. 579 (1993).</p>
<p>Ex. 1014</p>	<p>U.S. Patent 6,235,004 – S. Steinfeldt-Jensen</p>	<p>FRE 401/402: This evidence is not relevant as it is not cited in the Petition.</p>

Evidence	Petitioner's Description	Objections
	& S. Hansen, "Injection Syringe" (issued May 22, 2001)	FRE 403: The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues and wasting resources.
Ex. 1015	U.S. Patent Application US 2002/0053578 A1 – C.S. Møller, "Injection Device" (pub'd May 2, 2002)	FRE 401/402: This evidence is not relevant as it is not cited in the Petition. FRE 403: The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues and wasting resources.
Ex. 1016	U.S. Patent 6,932,794 B2 – L. Giambattista & A. Bendek, "Medication Delivery Pen" (issued Aug. 23, 2005)	FRE 401/402: This evidence is not relevant as it is not cited in the Petition or in the portions of the expert declaration relied upon by the Petition. FRE 403: The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues and wasting resources.
Ex. 1017	U.S. Patent 6,582,404 B1 – P.C. Klitgaard et al., "Dose Setting Limiter" (issued June 24, 2003)	FRE 401/402: This evidence is not relevant as it is not cited in the Petition or in the portions of the expert declaration relied upon by the Petition. FRE 403: The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues and wasting resources.
Ex. 1018	File History for U.S. Patent 6,582,404	FRE 401/402: This evidence is not relevant as it is not cited in the Petition or in the portions of the expert declaration relied upon by the Petition.

Evidence	Petitioner's Description	Objections
		FRE 403: The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues and wasting resources.
Ex. 1019	Plaintiffs' Preliminary Claim Constructions and Preliminary Identification of Supporting Intrinsic and Extrinsic Evidence, <i>Sanofi-Aventis U.S. LLC v. Mylan GmbH</i> , No. 2:17-cv-09105 (D.N.J.)	FRE 403: The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues and wasting resources.
Ex. 1020	U.S. Patent 4,865,591 – B. Sams, “Measured Dose Dispensing Device” (issued Sep. 12, 1989)	FRE 401/402: This evidence is not relevant as it is not cited in the Petition FRE 403: The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues and wasting resources.
Ex. 1021	U.S. Patent 6,248,095 B1 – L. Giambattista et al., “Low-cost Medication Delivery Pen” (issued June 19, 2001)	FRE 401/402: This evidence is not relevant as it is not cited in the Petition or in the portions of the expert declaration relied upon by the Petition. FRE 403: The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues and wasting resources.
Ex. 1022	U.S. Patent 6,921,995 B1 – A.A. Bendek et	FRE 401/402: This evidence is not relevant as it is not cited in the Petition or in the

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.