

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.
and PFIZER INC.,
Petitioner,

v.

SANOFI-AVENTIS DEUTSCHLAND GMBH,
Patent Owner.

Case IPR2018-01676
Patent No. 8,603,044

MYLAN PHARMACEUTICALS INC.
OBJECTIONS TO EVIDENCE
37 CFR §42.64(b)(1)

I. OBJECTIONS

Petitioner (“Mylan”) submits the following objections:

1. **EX2223 – DCA web page**

Grounds for objection: FRE 105, 402, 403, 802, 901.

EX2223 is irrelevant because it is not cited. The exhibit is hearsay without exception, lacks authentication, and is unreasonably prejudicial because it is cited for a new purpose and is just self-serving advertisement by an interested entity. To the extent EX2223 is admitted, its scope should be restricted to the purpose for which it was originally submitted. FRE 105.

2. **EX2224 – tandfonline.com web page**

Grounds for objection: FRE 105, 402 403, 802, 901.

EX2224 is irrelevant because it is not cited. The exhibit is hearsay without exception, lacks authentication, and is unreasonably prejudicial because it is cited for a new purpose. To the extent EX2224 is admitted, its scope should be restricted to the purpose for which it was originally submitted. FRE 105.

3. **EX2225 – Excerpt from Trial Transcript. Sanofi v. Merck, 16cv812 (RGA) (District of Delaware) (May 29, 2018)**

Grounds for objection: FRE 105, 402, 403, 802.

EX2225 is irrelevant because it is not cited. Moreover, the exhibit is hearsay without exception and is prejudicial due to its late and unexplained introduction. To the extent EX2225 is admitted, its scope should be restricted to the purpose for which it was originally submitted. FRE 105.

4. EX2319 – Declaration of Robert Veasey

Grounds for objection: FRE 403, 802.

EX2319 is prejudicially late and confusing because it is directed to a different purpose than the one for which it was offered. It is also hearsay without exception. To the extent EX2319 is admitted, its scope should be restricted to the purpose for which it was originally submitted. FRE 105.

Respectfully submitted,

Dated: 6 November 2019

/ Richard Torczon /
Richard Torczon, Reg. No. 34,448

CERTIFICATE OF SERVICE

Today a correct copy of **Mylan Pharmaceuticals Inc. Objections to**

Evidence was served on Sanofi via email as follows:

Elizabeth Stotland Weiswasser elizabeth.weiswasser@weil.com

Anish R. Desai anish.desai@weil.com

Sundip K. Kundu sundip.kundu@weil.com

Kathryn M. Kantha kathryn.kantha@weil.com

William S. Ansley sutton.ansley@weil.com

Matthew D. Sieger matthew.sieger@weil.com

Adrian C. Percer adrian.percer@weil.com

Brian C. Chang brian.chang@weil.com

Robert T. Vlasits robert.vlasits@weil.com

WEIL, GOTSHAL & MANGES LLP Sanofi.IPR.Service@weil.com

John S. Goetz, Joshua A. Griswold, PTABInbound@fr.com

Matthew S. Colvin, Kenneth W. Darby &

W. Karl Renner

and on joinder counsel as follows:

Jovial Wong

jwong@winston.com

Charles B. Klein

cklein@winston.com

Dan H. Hoang

dhoang@winston.com

WINSTON & STRAWN LLP

PfizerIPRs@winston.com

Respectfully submitted,

Dated: 6 November 2019

/ Richard Torczon /
Richard Torczon, Reg. No. 34,448