UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APOTEX INC.
Petitioner,

v.

UCB BIOPHARMA SPRL,
Patent Owner.

Case IPR2019-00400
Patent 8,633,194

[CORRECTED] PATENT OWNER'S OBJECTIONS TO PETITIONER'S DEMONSTRATIVES

Pursuant to the Board's March 11, 2020 Order (Paper No. 41), Patent Owner respectively submits notice of its objections to Petitioner's Demonstratives:

Slides 12, 13, 30, and 33: These slides reference Exhibits 1031-1037 which are subject to Patent Owner's pending Motion to Exclude Evidence (Paper No. 44).

Slide 19: The third and fourth callouts mischaracterize Dr. Niazi's deposition testimony and Patent Owner's Preliminary Response, respectively, as explained in Patent Owner's Sur-Reply (Paper No. 38). *Id.* at 5.

The third callout omits context from Patent Owner's expert's explanation that the term "necessary amount" refers to an amount to perform a particular function, not an absolute minimum. *Id.*

The fourth callout mischaracterizes Patent Owner's summation of Petitioner's argument by implying that a Table heading is an admission by Patent Owner. *Id*.

Slide 32: This slide seeks to improperly incorporate argument presented only in Petitioner's expert declaration to imply that it was presented in the Petition.

Slide 35: The first callout is incomplete and therefore mischaracterizes Patent Owner's Complete Response as it omits the remainder of the footnote cited, which explains how Applicant did not concede to the Examiner's view of synergism.

The last callout is a mischaracterization of Patent Owner's Preliminary Response. As explained in Patent Owner's Sur-Reply, the callout is Patent Owner's summation of the Examiner's prosecution statements, and Petitioner portrays it as

an admission by Patent Owner. *See id*. at 18.

Patent Owner submits that it is not necessary to have a pre-hearing call or additional time at the hearing to address Patent Owner's objections.

Dated: April 17, 2020

Respectfully submitted,

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/Robert E. Counihan/ (electronically signed)
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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I hereby certify that on April 17, 2020, the foregoing document is being served by filing this document through the Patent Trial and Appeal Board End to End System, as well as by delivering a copy via electronic mail upon the following counsel of record for the Petitioner:

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Date: April 17, 2020

Respectfully submitted,

/Robert E. Counihan/
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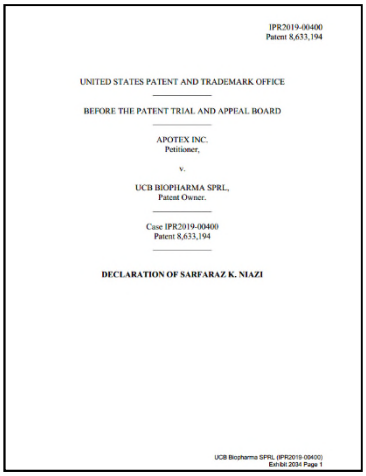
Phone: (212) 430-2600

9:1 Ratio is “Widely Used”



IPR2019-00400
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DECLARATION OF SARFARAZ K. NIAZI

UCB Biopharma SPRL (IPR2019-00400)
Exhibit 2034 Page 1

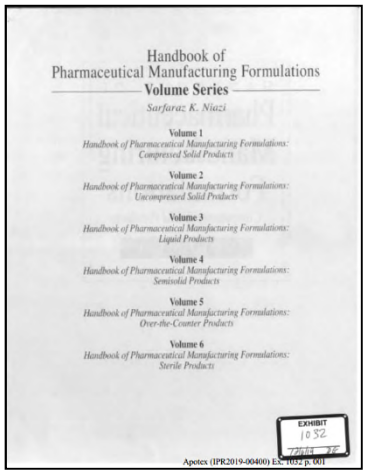
162. In my opinion, if a POSA had been directed

levocetirizine formulation of WO ’094, they would first loo

pharmaceutical formulations involving levocetirizine or, like com

racemate, cetirizine, to see what amounts and ratios of preservativ

Niazi Dec. (EX2034) ¶162



Handbook of
Pharmaceutical Manufacturing Formulations
Volume Series
Sarfaraz K. Niazi

Volume 1
Handbook of Pharmaceutical Manufacturing Formulations: Compressed Solid Products

Volume 2
Handbook of Pharmaceutical Manufacturing Formulations: Uncompressed Solid Products

Volume 3
Handbook of Pharmaceutical Manufacturing Formulations: Liquid Products

Volume 4
Handbook of Pharmaceutical Manufacturing Formulations: Semisolid Products

Volume 5
Handbook of Pharmaceutical Manufacturing Formulations: Over-the-Counter Products

Volume 6
Handbook of Pharmaceutical Manufacturing Formulations: Sterile Products

EXHIBIT
1032
Apotex (IPR2019-00400) Ex. 1032 p. 001

Cetrizine Hydrochloride Syrup

Bill of Materials			
Scale (mg/5 mL)	Item	Material Name	Quant
5.00	1	Cetrizine hydrochloride	1.03
1750.00	2	Lycosin 80/55	350.00
600.00	3	Sorbitol 70%	120.00
5.00	4	Sodium citrate	1.00
300.00	5	Propylene glycol	60.00
4.50	6	Methyl paraben	0.90
0.50	7	Propyl paraben	0.10
3.75	8	Saccharin sodium	0.75
10.00	9	Flavor raspberry	2.00
q.s.	10	Water, purified	q.s. to

EX1031, (entry #4); EX1034,99

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