

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AQUESTIVE THERAPEUTICS, INC.

Petitioner

v.

NEURELIS, INC.

Patent Owner

Case: IPR2019-00451

U.S. Patent No. 9,763,876

PETITIONER'S OBJECTIONS

PURSUANT TO 37 C.F.R. § 42.64(b)(1)

SECOND SET

TABLE OF CONTENTS

OBJECTIONS.....1

 Exhibit 2028: “Intranasal Technology, Inc. Licenses Aegis Therapeutics'
 Intravail Drug Delivery Technology” (Business Wire) (April 13, 2005).....1

 FRE 402 (relevance); FRE 403 (confusion, waste, prejudice)1

 FRE 802 (hearsay without exception)1

 FRE 901 (authentication).....1

 FRE 105 (limited purpose).....1

 Exhibit 2030: J. Wyse, U.S. Patent No. 9,192,570 issued November 24, 2015.2

 FRE 402 (relevance); FRE 403 (confusion, waste, prejudice)2

 FRE 105 (limited purpose).....2

OBJECTIONS

Petitioner, Aquestive Therapeutics, Inc. submits the following objections to evidence of the Patent Owner, Neurelis, Inc.

Exhibit 2028: “Intranasal Technology, Inc. Licenses Aegis Therapeutics' Intravail Drug Delivery Technology” (Business Wire) (April 13, 2005)

FRE 402 (relevance); FRE 403 (confusion, waste, prejudice)

The exhibit is not cited in Patent Owner’s Sur-Reply (Paper 28) and is not relevant to any instituted ground. The exhibit’s probative value is substantially outweighed by its confusion of the issues to be decided, its waste of the Board’s and the Petitioner’s time, and the danger that it will lead to unfair prejudice if used later in the proceeding or on appeal.

FRE 802 (hearsay without exception)

The exhibit is offered to prove the truth of the matter asserted without meeting any hearsay exception.

FRE 901 (authentication)

Patent Owner failed to provide evidence sufficient to establish the exhibit is what it is purported to be.

FRE 105 (limited purpose)

If the exhibit is admitted, its use should be limited to the purpose for which

it was offered in Patent Owner's Sur-Reply (Paper 28).

Exhibit 2030: J. Wyse, U.S. Patent No. 9,192,570 issued November 24, 2015

FRE 402 (relevance); FRE 403 (confusion, waste, prejudice)

The exhibit is not relevant to any instituted ground. The exhibit's probative value is substantially outweighed by its confusion of the issues to be decided, its waste of the Board's and the Petitioner's time, and the danger that it will lead to unfair prejudice if used later in the proceeding or on appeal.

FRE 105 (limited purpose)

If the exhibit is admitted, its use should be limited to the purpose for which it was offered in Patent Owner's Sur-Reply (Paper 28).

Dated: March 17, 2019.

/Michael I. Chakansky/
Michael I. Chakansky (Reg. No. 31,600)
Hoffmann & Baron, LLP
4 Century Drive
Parsippany, N.J. 07054
mchakansky@hbiplaw.com
Tel: 973.331.1700

First Backup Counsel for
Petitioner Aquestive Therapeutics, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this the 17th day of March 2020, the foregoing PETITIONER'S OBJECTIONS PURSUANT TO 37 C.F.R. § 42.64(b)(1) SECOND SET was served in its entirety on the following counsel of record by electronic service by email at the email addresses as set forth below.

Jeffrey Guise
Richard Torczon
Lorelei Westin
Lee Johnson
Nathaniel Leachman
Alina L. Litoshyk
Wendy Devine
WILSON SONSINI GOODRICH & ROSATI
jguise@wsgr.com
rtorczon@wsgr.com
lwestin@wsgr.com
ljohnson@wsgr.com
nleachman@wsgr.com
alitoshyk@wsgr.com
wdevine@wsgr.com
35401.652.palib1@atters.wsgr.com

By: /Michael I. Chakansky/
Michael I. Chakansky (Reg. No. 31,600)
Hoffmann & Baron, LLP
4 Century Drive
Parsippany, N.J. 07054
mchakansky@hbiplaw.com
Tel: 973.331.1700