

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SANDOZ INC.,
Petitioner,

v.

PHARMACYCLICS LLC,
Patent Owner.

Case IPR2019-00865
U.S. Patent No. 9,795,604

**PATENT OWNER'S SECOND SET OF OBJECTIONS
TO PETITIONER'S EVIDENCE**

The Federal Rules of Evidence (“FRE”) generally apply to proceedings before the Board. 37 C.F.R. § 42.62(a). Pursuant to 37 C.F.R. § 42.64(b)(1) and the FRE, Patent Owner Pharmacyclics LLC submits the following objections to certain exhibits submitted by Petitioner Sandoz Inc. These 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 1024

To the extent Petitioner relies on the content of Exhibit 1024 for the truth of the matter asserted, Patent Owner objects to Exhibit 1024 as inadmissible hearsay (*see* FRE 801 and 802) that does not fall under any exceptions, including FRE 803, 804, 805, and 807. Patent Owner further objects to Exhibit 1024 because it lacks proper foundation and/or authenticity under FRE 901. In addition, Patent Owner objects to Exhibit 1024 under FRE 401–403 as lacking relevance to the instituted grounds. Further, Exhibit 1024 is unfairly prejudicial, confuses the issues, misleads the factfinder, and/or is a waste of time (FRE 403).

Exhibit 1025

To the extent Petitioner relies on the content of Exhibit 1025 for the truth of the matter asserted, Patent Owner objects to Exhibit 1025 as inadmissible hearsay (*see* FRE 801 and 802) that does not fall under any exceptions, including FRE 803,

804, 805, and 807. Patent Owner further objects to Exhibit 1025 because it lacks proper foundation and/or authenticity under FRE 901. In addition, Patent Owner objects to Exhibit 1025 under FRE 401–403 as lacking relevance to the instituted grounds. Further, Exhibit 1025 is unfairly prejudicial, confuses the issues, misleads the factfinder, and/or is a waste of time (FRE 403).

Exhibit 1026

To the extent Petitioner relies on the content of Exhibit 1026 for the truth of the matter asserted, Patent Owner objects to Exhibit 1026 as inadmissible hearsay (*see* FRE 801 and 802) that does not fall under any exceptions, including FRE 803, 804, 805, and 807. Patent Owner further objects to Exhibit 1026 because it lacks proper foundation and/or authenticity under FRE 901. In addition, Patent Owner objects to Exhibit 1026 under FRE 401–403 as lacking relevance to the instituted grounds. Further, Exhibit 1026 is unfairly prejudicial, confuses the issues, misleads the factfinder, and/or is a waste of time (FRE 403).

Exhibit 1027

To the extent Petitioner relies upon Exhibit 1027 to show the state of the art, Patent Owner objects to Exhibit 1027 as not relevant, confusing, unfairly prejudicial, and wasting time because Exhibit 1027 is not prior art (FRE 401–403). Patent Owner also objects to Exhibit 1027 under the Best Evidence Rule (FRE 1001–1003).

To the extent Petitioner relies on the content of Exhibit 1027 for the truth of the

matter asserted, Patent Owner objects to Exhibit 1027 as inadmissible hearsay (*see* FRE 801 and 802) that does not fall under any exceptions, including FRE 803, 804, 805, and 807. Patent Owner further objects to Exhibit 1027 because it lacks proper foundation and/or authenticity under FRE 901.

Exhibit 1028

Patent Owner objects to Exhibit 1028 as an incomplete document (FRE 106).

Exhibit 1029

Patent Owner objects to Exhibit 1029 as an incomplete document (FRE 106).

Respectfully submitted,

Date: April 24, 2020

By: /William B. Raich/
William B. Raich (Reg. No. 54,386)

