

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC., TEVA PHARMACEUTICALS
USA, INC., WATSON LABORATORIES, INC., DR. REDDY'S
LABORATORIES, INC., DR. REDDY'S LABORATORIES, LTD., and
SUN PHARMACEUTICALS INDUSTRIES LTD.,

Petitioner,

v.

MERCK SHARP & DOHME CORP.,

Patent Owner.

U.S. Patent No. 7,326,708 to Cypes et al.

Issue Date: February 5, 2008

Title: Phosphoric acid salt of a dipeptidyl peptidase-IV inhibitor

Inter Partes Review No.: IPR2020-00040¹

PETITIONER'S OBJECTIONS TO EVIDENCE

¹ Teva Pharmaceuticals USA, Inc. and Watson Laboratories, Inc. were joined as a party to this proceeding via Motion for Joinder in IPR2020-01045; Dr. Reddy's Laboratories, Inc. and Dr. Reddy's Laboratories, Ltd. were joined as a party to this proceeding via a Motion for Joinder in IPR2020-01060; and Sun Pharmaceuticals Industries Ltd. was joined as a party to this proceeding via Motion for Joinder in IPR2020-01072.

Pursuant to 37 C.F.R. § 42.64(b)(1), Mylan Pharmaceuticals Inc. (“Mylan” or “Petitioner”) timely objects to the admissibility of the following exhibits served by Merck, Sharpe & Dohme Corp. (“Merck” or “Patent Owner”). Petitioner’s objections are timely under 37 C.F.R. § 42.64(b)(1) because they are being filed and served within five business days. Petitioner files these objections to provide notice to Patent Owner that Petitioner may move to exclude the Challenged Evidence under 37 C.F.R. § 42.64(c), unless timely cured by Patent Owner.

Exhibit Number	Basis of the Objection
EX2279	<p>Petitioner objects to this Exhibit to the extent Merck intends to rely or use it outside the context of its Motion to File Request for Certificate of Correction of Claims 5-7.</p> <p>Petitioner further objects to this Exhibit in its entirety as inadmissible hearsay under FRE 801 and 802 to the extent it is relied upon for the truth of the matter asserted and Petitioner has not had the opportunity to subject the declarant to cross-examination.</p> <p>Petitioner also objects to this Exhibit because Merck has not sought the Board permission to file it; Merck has done so outside of the time when Merck is permitted to file an exhibit absent permission of the Board.</p>
EX2281	<p>Petitioner objects to this Exhibit to the extent Merck intends to rely or use it outside the context of its Motion to File Request for Certificate of Correction of Claims 5-7.</p> <p>Petitioner further objects to this Exhibit in its entirety as inadmissible hearsay under FRE 801 and 802 to the extent it is relied upon for the truth of the matter asserted and Petitioner has not had the opportunity to subject the declarant to cross-examination.</p>

	Petitioner also objects to this Exhibit because Merck has not sought the Board permission to file it; Merck has done so outside of the time when Merck is permitted to file an exhibit absent permission of the Board.
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Respectfully submitted,

Katten Muchin Rosenman LLP

Dated: November 24, 2020

/Alissa M. Pacchioli/

Alissa M. Pacchioli

(Reg. No. 74,252)

Counsel for Petitioner Mylan
Pharmaceuticals, Inc.

CERTIFICATION OF SERVICE ON PATENT OWNER

Pursuant to 37 C.F.R. §§ 42.6(e), 42.8(b)(4), and 42.105, the undersigned certifies that on November 24, 2020, a complete copy of the foregoing Paper, was served via email to Patent Owner's counsel at:

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