

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MYLAN INSTITUTIONAL LLC,  
Petitioner,

v.

NOVO NORDISK A/S,  
Patent Owner.

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Case IPR2020-00324  
Patent 8,114,833

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**PATENT OWNER'S NOTICE OF SUPPLEMENTAL EVIDENCE IN  
RESPONSE TO PETITIONER'S OBJECTIONS TO EXHIBITS**

Patent Owner Novo Nordisk A/S (“Novo Nordisk”) submits this Notice of Supplemental Evidence in Response to Petitioner Mylan Institutional LLC’s (“Mylan”) Objections to Patent Owner’s Evidence dated September 25, 2020. In response to Mylan’s objections, Novo Nordisk serves herewith supplemental evidence, identified as Exhibits 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, and 2094 pursuant to 37 C.F.R. § 42.64(b)(2). Novo Nordisk further serves herewith its Amended List of Exhibits pursuant to 37 C.F.R. § 42.63(e), identifying its supplemental evidence.

Mylan objected to Exhibit Nos. 2051, 2052, 2053, 2055, 2057, 2058, 2059, 2060, 2062, 2063, 2065, and 2069 (collectively, the “Translated Exhibits”) under 37 C.F.R. § 42.63(b) as “failing to file an affidavit.” The only context for its objection that Mylan provided was: “the translation filed with the underlying document is not filed with an affidavit in accordance with 37 C.F.R. § 42.63(b).” Paper 23 at 11.

37 C.F.R. 42.63(b) states: “When a party relies on a document or is required to produce a document in a language other than English, a translation of the document into English and an affidavit attesting to the accuracy of the translation must be filed with the document.”

The Translated Exhibits did include affidavits attesting to the accuracy of the translation, along with the original Danish language document and certified English translation thereof. Mylan has not explained its position as to why the original

affidavits were allegedly not in accordance with 37 C.F.R. § 42.63(b). Mylan's objection therefore does not "identify the grounds for the objection with sufficient particularity to allow correction in the form of supplemental evidence," as is required under 37 C.F.R. § 42.64(b)(1).

Nevertheless, in an effort to resolve Mylan's objections under 37 C.F.R. § 42.63(b)(1), Novo Nordisk serves herewith as supplemental evidence a copy of each Translated Exhibit, which includes a supplemental affidavit. Inclusion of the supplemental affidavit with each Translated Exhibit should resolve Mylan's objections under 37 C.F.R. § 42.63(b)(1), despite Mylan's failure to clearly articulate the grounds for its objections.

Novo Nordisk reserves all rights to respond to any further explanations Mylan may be allowed to provide regarding its evidentiary objections. Novo Nordisk's service of supplemental evidence is timely under 37 C.F.R. § 42.64(b)(2) because it is served within 10 business days of the service of Mylan's objections.

Dated: October 9, 2020

Respectfully submitted,

/s/ Jeffrey J. Oelke (Electronically signed)  
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**CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. § 42.6(e), I hereby certify that on October 9, 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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Respectfully submitted,

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