

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC., CELLTRION, INC., and
APOTEX, INC.,
Petitioners,

v.

REGENERON PHARMACEUTICALS, INC.,
Patent Owner.

Inter Partes Review No.: IPR2021-00881¹

U.S. Patent No. 9,254,338 B2
Filed: July 12, 2013
Issued: February 9, 2016
Inventor: George D. Yancopoulos

Title: USE OF A VEGF ANTAGONIST TO TREAT
ANGIOGENIC EYE DISORDERS

PETITIONER'S MOTION TO EXCLUDE EVIDENCE
37 C.F.R. § 42.64(c)

¹ IPR2022-00258 and IPR2022-00298 have been joined with this proceeding.

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I. Introduction.

Mylan Pharmaceuticals Inc. (“Petitioner”), in accordance with 37 C.F.R. §§ 42.62 and 42.64(c), moves to exclude Patent Owner (“PO”) Exhibits 2059-60, 2073, 2096, 2128, 2133-40, 2163, 2169-70, 2176, 2190, 2197, 2200, 2205, 2208, 2218, 2229, 2272-85, 2243-44, 2250, 2259, and the below-identified portions of Exhibits 2048-50 and 2052 (collectively, the “Challenged Exhibits”). Petitioner timely objected to these exhibits through written objections (Paper 43) and/or during deposition.

In IPRs, documents are admitted into evidence subject to an opposing party asserting objections and moving to exclude the evidence. 37 C.F.R. § 42.64; *Actifio, Inc. v. Delphix Corp.*, IPR2015-00050, Paper 57, 5 (P.T.A.B. Mar. 31, 2016). The Federal Rules of Evidence (FRE) generally applies to IPR proceedings. 37 C.F.R. § 42.62; *LKQ Corp. v. Clearlamp, LLC*, IPR2013-00020, Paper 17, 3 (P.T.A.B. Mar. 5, 2013). The moving party bears the burden of proof to establish that it is entitled to the relief requested—namely, that the material to be excluded is inadmissible under the FRE. *See Microsoft Corp. v. FG SRC LLC*, IPR2018-0605, Paper 72, 11 (P.T.A.B. Apr. 9, 2020).

II. Exhibits Referenced in the Weber Declaration (Ex.2286).

In response to Petitioner’s objections (Paper 43), PO served the 7-page declaration of Doris Weber (Ex.2286), PO’s senior litigation support specialist,

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