

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SLAYBACK PHARMA LLC,
Petitioner,

v.

EYE THERAPIES, LLC,
Patent Owner.

Case No.: IPR2022-00142

U.S. Patent No.: 8,293,742

**PETITIONER'S LIST OF OBJECTIONS TO
PATENT OWNER'S DEMONSTRATIVES**

Pursuant to the Board’s Order Setting Oral Argument (Paper 54), Petitioner respectfully submits the following objections to Patent Owner’s oral argument demonstratives. Copies of the objected-to demonstratives are attached hereto as Exhibit A, and one-sentence statements of the reason for each objection are listed in the table below.

Demonstrative	Reason for Objection
2, 72	Petitioner objects to these demonstratives because a portion of the cited evidence—paragraphs 6 and 7 of Exhibit 2023—are the subject of Petitioner’s Motion to Exclude Evidence (Paper 57), and these demonstratives should be excluded for the same reasons stated in Petitioner’s Motion.
4, 14–18, 83	Petitioner objects to these demonstratives because they present a new argument that was not presented in any of Patent Owner’s papers, particularly to the extent that Patent Owner argues that the prior art does not disclose the claim limitation “consisting essentially of administering brimonidine.”
100	Petitioner objects to this demonstrative because it presents a new argument that was not presented in any of Patent Owner’s papers.

Dated: February 23, 2023

Respectfully submitted,

By: *Linnea P. Cipriano*

Linnea P. Cipriano
(Reg. No. 67,729)
Goodwin Procter LLP
620 Eighth Avenue
New York, NY 10018
Phone: (212) 813-8800

Cell: (443) 235-1739
Fax: (212) 937-2204
lqipriano@goodwinlaw.com

*Counsel for Petitioner
Slayback Pharma LLC*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Petitioner's List of Objections to Patent Owner's Demonstratives was served on February 23, 2023, by electronic mail to:

Bryan Diner bryan.diner@finnegan.com

Justin Hasford Justin.hasford@finnegan.com

Caitlin O'Connell caitlin.o'connell@finnegan.com

Christina Yang christina.yang@finnegan.com

Dated: February 23, 2023

Respectfully submitted,

By: /Linnea P. Cipriano/

Linnea P. Cipriano
(Reg. No. 67,729)
Goodwin Procter LLP
620 Eighth Avenue
New York, NY 10018
Phone: (212) 813-8800
Cell: (443) 235-1739
Fax: (212) 937-2204
lcipriano@goodwinlaw.com

*Counsel for Petitioner
Slayback Pharma LLC*

EXHIBIT A

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.