

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.,
MSN LABORATORIES PRIVATE LTD.,
and MSN PHARMACEUTICALS INC.,
Petitioners,

v.

BAUSCH HEALTH IRELAND LIMITED,
Patent Owner.

Case IPR2022-00722¹
Patent 7,041,786

**PETITIONERS' OBJECTIONS
TO PATENT OWNER'S SUPPLEMENTAL EVIDENCE**

¹ IPR2023-00016 has been joined with this proceeding.

I. INTRODUCTION

Petitioners (Mylan) object to Patent Owner (Bausch) exhibits EX2066-EX2068 for failure to comply with the Federal Rules of Evidence (FRE). 37 C.F.R. §42.62(a). These objections are filed under §42.64(b)(1).

II. OBJECTIONS

A. EX2066-EX2068 – Expanded Declarations

Mylan maintains the objections against EX2023-EX2025 (Paper 30, 1-2) for EX2066-EX2068, respectively.

B. EX2066, ¶37 – New Shailubhai Paragraph

EX2066, ¶37 should also be excluded because it is irrelevant, outside Dr. Shailubhai's personal knowledge, and hearsay without exception. FRE 402; FRE 602; FRE 802.

C. Each Bausch exhibit should be restricted to the purpose for which Bausch offered the exhibit

Each Bausch exhibit should be restricted to the purpose for which Bausch offered the exhibit. FRE 105. Should Bausch rely on an exhibit for a different purpose than the one for which it has been offered, Mylan reserves the right to make additional objections.

III. CONCLUSION

Bausch EX2066-EX2068 should be excluded; if not excluded, they should be given no weight.

Respectfully submitted,

Dated: January 13, 2023

/Jad A. Mills/

Jad A. Mills, Reg. No. 63,344

Counsel for Mylan Pharmaceuticals Inc.

CERTIFICATE OF SERVICE

I certify that today this paper was served by email on Bausch's counsel at:

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Respectfully submitted,

Dated: January 13, 2023

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