

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GRÜNENTHAL GMBH,

Petitioner

v.

ANTECIP BIOVENTURES II LLC,

Patent Owner.

PGR2019-00028
U.S. Patent No. 10,052,338

**PETITIONER'S OPPOSITION TO
PATENT OWNER'S MOTION TO EXCLUDE**

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II. Dr. Poree’s Declaration (Ex. 1004) Is Based Upon Admissible Evidence

Patent Owner does not challenge Dr. Poree’s qualifications as an expert in this PGR, and as the only expert testifying in this PGR, his opinions stand un rebutted. Instead, Patent Owner resorts to attempting to exclude Dr. Poree’s declaration by alleging that the prior art references he relies on are inadmissible. As discussed below, the Varenna 2011 (Ex. 1006), Muratore (Ex. 1007), Gatti (Ex. 1008), Harden (Ex. 1009), and Drummond (Ex. 1010) references Dr. Poree relies upon are all admissible. As a result, there is no basis for excluding Dr. Poree’s declaration.

III-VII. Exhibits 1006-1010 Are Not Inadmissible Hearsay

Patent Owner contends that certain “date information appearing on the face of” Exhibits 1006-1010, Petitioner’s principal prior art references, should be excluded as inadmissible hearsay. The statements in question appear in the table below.

Reference	Periodical Journal	Publisher	“Date Information” Statements
Varenna 2011 (Ex. 1006)	Giornale Italiano di Ortopedia e Traumatologia	Pacini Editore SRL	<ul style="list-style-type: none">• “OTTOBRE 2011”• “ARTICOLO ORIGINALE”• “Ricevuto il 15 luglio 2011”• “Accettato il 30 agosto2011”
Muratore (Ex. 1007)	Progressi in Reumatologia	Collegio dei Reumatologi Ospedalieri	<ul style="list-style-type: none">• “S/2004”• “2004-07-19”• “Volume 5”• “Supplemento 1/2004”

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