

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MURRAY & POOLE ENTERPRISES, LTD.,
Petitioner

v.

INSTITUT DE CARDIOLOGIE DE MONTREAL,
Patent Owner

Case No. IPR2023-01064
Patent 11,400,063

**PETITIONER'S OBJECTIONS
TO PATENT OWNER'S PRE-TRIAL EVIDENCE**

Pursuant to 37 C.F.R. § 42.64(b)(1), the Petitioner Murray & Poole hereby makes the following objections to the Patent Owner’s evidence provided with its Preliminary Response (Paper 6) filed October 18, 2023.

PATENT OWNER’S EVIDENCE	PETITIONER’S OBJECTIONS
Declaration of Dr. Ardehali [Exhibit 2001] (Ardehali Decl.), ¶¶ 16–59	No foundation; improper expert testimony. Fed. R. Evid. (“FRE”) 702, 703; <i>Daubert v. Merrell Dow Pharms., Inc.</i> , 509 U.S. 579 (1993). Dr. Ardehali fails to identify that his field of research relates to colchicine or is related to colchicine’s known and useful functions on the cardiovascular system; fails to describe any scientific, technical or other special knowledge or analysis he applied or conducted to reach his conclusions.
Ardehali Decl., ¶¶ 29–31, 33 (“the other named authors as contributors to the research”)	Lacks personal knowledge; no foundation. FRE 602, 702.
Ardehali Decl.), ¶ 32 (“one that was more up-to-date if anything”)	Lacks personal knowledge; no foundation. FRE 602, 702.
Ardehali Decl., ¶¶ 16–30, 32–37	Relevance — not cited in Preliminary Response. FRE 401–403

Exhibit 2002	Relevance — not cited in Preliminary Response; improper authentication. FRE 401–403, 902
Exhibit 2003	Relevance — not cited in Preliminary Response; improper authentication. FRE 401–403, 902
Exhibit 2004	Relevance — not cited in Preliminary Response; improper authentication. FRE 401–403, 902
Exhibit 2005	Relevance — not cited in Preliminary Response; improper authentication. FRE 401–403, 902
Exhibit 2006	Relevance — not cited in Preliminary Response; improper authentication. FRE 401–403, 902
Exhibit 2007	Relevance — not cited in Preliminary Response; improper authentication. FRE 401–403, 902
Exhibit 2008	Relevance — not cited in Preliminary Response; improper authentication. FRE 401–403, 902
Exhibit 2009	Relevance — not cited in Preliminary Response; improper authentication. FRE 401–403, 902

Exhibit 2010	Relevance — not cited in Preliminary Response; improper authentication. FRE 401–403, 902
Declaration of Dr. Tardif [Exhibit 2011] ¶¶ 18, 21–24 and 26	Relevance — not cited in Preliminary Response. FRE 401–403
Exhibit 2012	Relevance — not cited in Preliminary Response; improper authentication. FRE 401–403, 902
Exhibit 2013	Relevance — not cited in Preliminary Response; improper authentication. FRE 401–403, 902
Exhibit 2014	Relevance — not cited in Preliminary Response; improper authentication. FRE 401–403, 902
Exhibit 2015	Relevance — not cited in Preliminary Response; improper authentication. FRE 401–403, 902
Exhibit 2016	Relevance — not cited in Preliminary Response; hearsay; improper authentication. FRE 401–403, 802, 902; 37 C.F.R. § 42.63(b) (translation)

Respectfully submitted,

Date: January 30, 2024 By: /Kevin B. Laurence/

Kevin B. Laurence

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Back-up Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on January 30, 2024, copies of the foregoing PETITIONER'S OBJECTIONS TO PATENT OWNER'S PRE-TRIAL EVIDENCE and all documents filed with it were served via electronic mail, as agreed to by counsel, upon the following counsel for the Patent Owner:

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Dated: January 30, 2024

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