UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Merck Sharp & Dohme LLC,
Petitioner

v.

The Johns Hopkins University,
Patent Owner

IPR2024-00240
Patent No. 11,591,393

PETITIONER'S OBJECTIONS TO PATENT OWNER'S EXHIBITS

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner submits the following objections to exhibits served by Patent Owner in Case No. IPR2024-00240. Petitioner's objections apply equally to Patent Owner's reliance on the exhibit in any subsequently-filed documents. These objections are timely, having been served within five business days after service of Patent Owner's evidence. 37 C.F.R. § 42.64(b)(1).

Exhibit 2072

Petitioner objects to Exhibit 2072 to the extent it relies on any other objectionable exhibit.

Exhibit 2076

Petitioner objects to Exhibit 2076 under FRE 402 and 403 because the exhibit is not relevant and its probative value with respect to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Further, Petitioner objects to Exhibit 2076 under FRE 802 because it contains out of court statements that Patent Owner relies on for their truth, thus constituting impermissible hearsay.

Exhibit 2077

Petitioner objects to Exhibit 2077 under FRE 402 and 403 because the exhibit is not relevant and its probative value with respect to any ground upon

which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Further, Petitioner objects to Exhibit 2077 under FRE 802 because it contains out of court statements that Patent Owner relies on for their truth, thus constituting impermissible hearsay.

Exhibit 2078

Petitioner objects to Exhibit 2078 under FRE 402 and 403 because the exhibit is not relevant and its probative value with respect to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Further, Petitioner objects to Exhibit 2078 under FRE 802 because it contains out of court statements that Patent Owner relies on for their truth, thus constituting impermissible hearsay.

Exhibit 2079

Petitioner objects to Exhibit 2079 under FRE 402 and 403 because the exhibit is not relevant and its probative value with respect to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Further, Petitioner objects to Exhibit 2079 under

FRE 802 because it contains out of court statements that Patent Owner relies on for their truth, thus constituting impermissible hearsay.

Exhibit 2090

Petitioner objects to Exhibit 2090 to the extent it relies on any other objectionable exhibit.

Exhibit 2121

Petitioner objects to Exhibit 2121 under FRE 402 and 403 because the exhibit is not relevant and its probative value with respect to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Further, Petitioner objects to Exhibit 2121 under FRE 802 because it contains out of court statements that Patent Owner relies on for their truth, thus constituting impermissible hearsay.

Exhibit 2122

Petitioner objects to Exhibit 2122 under FRE 402 and 403 because the exhibit is not relevant and its probative value with respect to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Further, Petitioner objects to Exhibit 2122 under

FRE 802 because it contains out of court statements that Patent Owner relies on for their truth, thus constituting impermissible hearsay.

Exhibit 2123

Petitioner objects to Exhibit 2123 under FRE 402 and 403 because the exhibit is not relevant and its probative value with respect to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Further, Petitioner objects to Exhibit 2123 under FRE 802 because it contains out of court statements that Patent Owner relies on for their truth, thus constituting impermissible hearsay.

Exhibit 2130

Petitioner objects to Exhibit 2130 to the extent it relies on any other objectionable exhibit. Further, Petitioner objects to Exhibit 2130 for Patent Owner's failure to comply with the Board's rules for production of routine discovery and failure to provide underlying facts or data on which the opinion is based. *See* 37 C.F.R. §§ 42.51(b)(1), 42.65(a). For example, Patent Owner did not produce the Investigational New Drug application referenced by Exhibit 2130.

Exhibit 2136

Petitioner objects to Exhibit 2136 under FRE 402 and 403 because the exhibit is not relevant and its probative value with respect to any ground upon

which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Further, Petitioner objects to Exhibit 2136 under FRE 802 because it contains out of court statements that Patent Owner relies on for their truth, thus constituting impermissible hearsay.

Exhibit 2137

Petitioner objects to Exhibit 2137 to the extent it relies on any other objectionable exhibit.

Exhibit 2167

Petitioner objects to Exhibit 2167 under FRE 402 and 403 because the exhibit is not relevant and its probative value with respect to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.

Exhibit 2168

Petitioner objects to Exhibit 2168 under FRE 402 and 403 because the exhibit is not relevant and its probative value with respect to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.

Exhibit 2169

Petitioner objects to Exhibit 2169 under FRE 402 and 403 because the exhibit is not relevant and its probative value with respect to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.

Exhibit 2170

Petitioner objects to Exhibit 2170 under FRE 402 and 403 because the exhibit is not relevant and its probative value with respect to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.

Exhibit 2171

Petitioner objects to Exhibit 2171 under FRE 402 and 403 because the exhibit is not relevant and its probative value with respect to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.

Exhibit 2172

Petitioner objects to Exhibit 2172 under FRE 402 and 403 because the exhibit is not relevant and its probative value with respect to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.

Exhibit 2173

Petitioner objects to Exhibit 2173 under FRE 402 and 403 because the exhibit is not relevant and its probative value with respect to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.

Exhibit 2174

Petitioner objects to Exhibit 2174 under FRE 402 and 403 because the exhibit is not relevant and its probative value with respect to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.

Exhibit 2176

Petitioner objects to Exhibit 2176 under FRE 402 and 403 because the exhibit is not relevant and its probative value with respect to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Further, Petitioner objects to Exhibit 2176 under FRE 802 because it contains out of court statements that Patent Owner relies on for their truth, thus constituting impermissible hearsay.

Exhibit 2181

Petitioner objects to Exhibit 2181 under FRE 402 and 403 because the exhibit is not relevant and its probative value with respect to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Further, Petitioner objects to Exhibit 2181 under FRE 802 because it contains out of court statements that Patent Owner relies on for their truth, thus constituting impermissible hearsay.

Exhibit 2182

Petitioner objects to Exhibit 2182 under FRE 402 and 403 because the exhibit is not relevant and its probative value with respect to any ground upon which trial was instituted is substantially outweighed by the danger of unfair

prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Further, Petitioner objects to Exhibit 2182 under FRE 802 because it contains out of court statements that Patent Owner relies on for their truth, thus constituting impermissible hearsay.

Exhibit 2183

Petitioner objects to Exhibit 2183 under FRE 402 and 403 because the exhibit is not relevant and its probative value with respect to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Further, Petitioner objects to Exhibit 2183 under FRE 802 because it contains out of court statements that Patent Owner relies on for their truth, thus constituting impermissible hearsay.

Exhibit 2184

Petitioner objects to Exhibit 2184 under FRE 402 and 403 because the exhibit is not relevant and its probative value with respect to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Further, Petitioner objects to Exhibit 2184 under FRE 802 because it contains out of court statements that Patent Owner relies on for their truth, thus constituting impermissible hearsay.

Exhibit 2187

Petitioner objects to Exhibit 2187 under FRE 402 and 403 because the exhibit is not relevant and its probative value with respect to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Further, Petitioner objects to Exhibit 2187 under FRE 802 because it contains out of court statements that Patent Owner relies on for their truth, thus constituting impermissible hearsay.

Exhibit 2188

Petitioner objects to Exhibit 2188 under FRE 402 and 403 because the exhibit is not relevant and its probative value with respect to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Further, Petitioner objects to Exhibit 2188 under FRE 802 because it contains out of court statements that Patent Owner relies on for their truth, thus constituting impermissible hearsay.

Exhibit 2191

Petitioner objects to Exhibit 2191 to the extent it relies on any other objectionable exhibit.

Exhibit 2237

Petitioner objects to Exhibit 2237 under FRE 402 and 403 because the exhibit is not relevant and its probative value with respect to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Further, Petitioner objects to Exhibit 2237 under FRE 802 because it contains out of court statements that Patent Owner relies on for their truth, thus constituting impermissible hearsay.

Respectfully submitted,

Dated: October 11, 2024

By: /Naveen Modi/
Naveen Modi (Reg. No. 46,224)
Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on October 11, 2024, I caused a true and correct copy of the foregoing Petitioner's Objections to Patent Owner's Exhibits to be served by electronic mail on Patent Owner at the following correspondence address of record:

Nicholas Stephens
Grace J. Kim
Todd G. Miller
Matthew L. Chun
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Naveen Modi (Reg. No. 46,224)
Counsel for Petitioner