UNITED STATES PATENT AND TRADEMARK OFFICE

_____

BEFORE THE PATENT TRIAL AND APPEAL BOARD

_____

DR. REDDY'S LABORATORIES, S.A. AND
DR. REDDY'S LABORATORIES, INC.,
Petitioners,
v.

EYE THERAPIES, LLC,
Patent Owner.

_____

Case No.: IPR2024-00467

U.S. Patent No.: 11,833,245

_____

PETITIONERS' OBJECTIONS TO PATENT OWNER'S EVIDENCE SUBMITTED WITH PATENT OWNER'S RESPONSE

Pursuant to 37 C.F.R. § 42.64(b)(1) and the Federal Rules of Evidence ("FRE"), Dr. Reddy's Laboratories S.A. and Dr. Reddy's Laboratories, Inc. (collectively, "Petitioners") object to the admissibility of the following evidence filed by Patent Owner Eye Therapies, LLC ("Patent Owner") on November 19, 2024, with its Patent Owner's Response.

Petitioners' objections are timely under 37 C.F.R. § 42.64(b)(1) because they are being filed and served within five business days of service of the Patent Owner's Response and exhibits. *See* IPR2024-00467 at Paper 25. Petitioners' objections provide notice to Patent Owner that Petitioners may move to exclude these exhibits under 37 C.F.R. § 42.64(c).

1. Exhibit 2032

Petitioners object to Exhibit 2032 under FRE 402 and 403 because any probative value is substantially outweighed by the danger of unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.

2. Exhibits 2034, 2045, 2052–2062, 2065–2067, 2068, 2076, 2084, 2095, 2109, 2156–2159, 2161–2168, 2176–2187, 2190–2208, 2221, and 2222

Petitioners object to Exhibits 2034, 2045, 2052–2062, 2065–2067, 2068, 2076, 2084, 2095, 2109, 2156–2159, 2161–2168, 2176–2187, 2190–2208, 2221, and 2222 under FRE 402 and 403 because any probative value is substantially outweighed by the danger of unfair prejudice, confusing the issues, wasting time,

or needlessly presenting cumulative evidence. Petitioners object to Exhibits 2034, 2045, 2052–2062, 2065–2067, 2068, 2076, 2084, 2095, 2109, 2156–2159, 2161–2168, 2176–2187, 2190–2208, 2221, and 2222 under FRE 802 as inadmissible hearsay, and not within any hearsay exception. Petitioners also object to Exhibits 2034, 2045, 2052–2062, 2065–2067, 2068, 2076, 2084, 2095, 2109, 2156–2159, 2161–2168, 2176–2187, 2190–2208, 2221, and 2222 under FRE 901 as lacking authentication.

3. Exhibits 2063, 2064, 2069–2075, 2077, 2078, 2106, 2125, 2131–2136, 2146, 2148–2151, 2216, and 2217

Petitioners object to Exhibits 2063, 2064, 2069–2075, 2077, 2078, 2106, 2125, 2131–2136, 2146, 2148–2151, 2216, and 2217 under FRE 402 and 403 because any probative value is substantially outweighed by the danger of unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence. Petitioners object to Exhibits 2063, 2064, 2069–2075, 2077, 2078, 2106, 2125, 2131–2136, 2146, 2148–2151, 2216, and 2217 under FRE 802 as inadmissible hearsay, and not within any hearsay exception. Petitioners also object to Exhibits 2063, 2064, 2069–2075, 2077, 2078, 2106, 2125, 2131–2136, 2146, 2148–2151, 2216, and 2217 under FRE 901 as lacking authentication.

4. Exhibit 2083

Petitioners object to Exhibit 2083 under FRE 402 and 403 because any probative value is substantially outweighed by the danger of unfair prejudice,

confusing the issues, wasting time, or needlessly presenting cumulative evidence. Petitioners also object to Exhibit 2083 under FRE 802 as inadmissible hearsay, and not within any hearsay exception. In addition, Petitioners object to Exhibit 2083 under FRE 901 as lacking authentication.

5. Exhibits 2160, 2171, 2210–2212, and 2214

Petitioners object to Exhibits 2160, 2171, 2210–2212, and 2214 under FRE 402 and 403 because any probative value is substantially outweighed by needlessly presenting cumulative evidence or confusing the issues. Petitioners also object to Exhibits 2160, 2171, 2210–2212, and 2214 under FRE 802 as inadmissible hearsay, and not within any hearsay exception. Petitioners also object to Exhibits 2160, 2171, 2210–2212, and 2214 under FRE 901 as lacking authentication.

6. Exhibit 2041

Petitioners object to Exhibit 2041 under FRE 402 and 403 because any probative value is substantially outweighed by needlessly presenting cumulative evidence or confusing the issues.

7. Exhibits 2087, 2088, 2126, 2127, and 2130

Petitioners object to Exhibits 2087, 2088, 2126, 2127, and 2130 under FRE 402 and 403 because any probative value is substantially outweighed by needlessly presenting cumulative evidence or confusing the issues. Petitioners also object to Exhibits 2087, 2088, 2126, 2127, and 2130 under FRE 802 as inadmissible hearsay, and not within any hearsay exception. Petitioners also object to Exhibits

2087, 2088, 2126, 2127, and 2130 under FRE 901 as lacking authentication.

8. Exhibit 2093

Petitioners object to Exhibit 2093 under FRE 402 and 403 because any probative value is substantially outweighed by the danger of unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence. Petitioners object to Exhibit 2093 under FRE 702, 703, and 705 as improper expert testimony to the extent it does not sufficiently set forth the bases for the testimony provided. Petitioners also object to Exhibit 2093 as improper expert testimony under 37 C.F.R. § 42.65. In addition, Petitioners also object to Exhibit 2093 under FRE 701 as improper opinion testimony by a lay witness.

9. Exhibits 2223, 2224, 2225, 2226, 2228, and 2229

Petitioners object to Exhibits 2223, 2224, 2225, 2226, 2228, and 2229 under FRE 702, 703, and 705 as improper expert testimony to the extent they do not sufficiently set forth the bases for the testimony provided. Petitioners also object to 2223, 2224, 2225, 2226, 2228, and 2229 as improper expert testimony under 37 C.F.R. § 42.65.

Petitioners object to Exhibit 2228 under FRE 702, 703, and 705 and 37 C.F.R. § 42.65 as improper expert testimony because it is not based on sufficient facts and evidence of record in this proceeding.

Petitioners object to the paragraphs in Exhibits 2223, 2224, 2225, 2226,

2228, and 2229 that cite to and rely on objected-to exhibits for the reasons explained for the objected-to exhibits.

10. Exhibit 2227

Petitioners object to Exhibit 2227 under FRE 402 and 403 because any probative value is substantially outweighed by the danger of unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence. Petitioners object to Exhibit 2227 under FRE 702, 703, and 705 as improper expert testimony to the extent it does not sufficiently set forth the bases for the testimony provided. Petitioners also object to Exhibit 2227 as improper expert testimony under 37 C.F.R. § 42.65. Petitioners also object to Exhibit 2227 under FRE 701 as improper opinion testimony by a lay witness. Petitioners object to the paragraphs in Exhibit 2227 that cite to and rely on objected-to exhibits for the reasons explained for the objected-to exhibits.

11. Exhibit 2230

Petitioners object to Exhibit 2230 under FRE 402 and 403 because any probative value is substantially outweighed by the danger of unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence. Petitioners also object to Exhibit 2230 under FRE 701 as improper opinion testimony by a lay witness. Petitioners object to the paragraphs in Exhibit 2230 that cite to and rely on objected-to exhibits for the reasons explained for the

objected-to exhibits.

Respectfully submitted,

November 26, 2024

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

Counsel for Petitioners

CERTIFICATE OF SERVICE

I, Linnea P. Cipriano, certify that I caused to be served a true and correct copy of the foregoing **PETITIONERS' OBJECTIONS TO PATENT OWNER'S EVIDENCE SUBMITTED WITH PATENT OWNER'S RESPONSE** by email, as follows:

Bryan Diner	bryan.diner@finnegan.com
Justin Hasford	justin.hasford@finnegan.com
Joshua Goldberg	joshua.goldberg@finnegan.com
Matthew Luneack	matthew.luneack@finnegan.com
Kassandra Officer	kassandra.officer@finnegan.com
Christina Yang	christina.yang@finnegan.com
Ryan V. McDonnell	ryan.mcdonnell@finnegan.com
M. David Weingarten	david.weingarten@finnegan.com
Ryan P. O'Quinn	ryan.o'quinn@finnegan.com

November 26, 2024

/Linnea P. Cipriano/

Linnea P. Cipriano
(Reg. No. 67,729)
Goodwin Procter LLP
620 Eighth Avenue
New York, NY 10018
Phone: (212) 813-8000
Fax: (212) 937-2204
lcipriano@goodwinlaw.com

Counsel for Petitioners