

Case IPR2024-01312
U.S. Patent No. 11,697,028

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BIOFRONTERA INC., BIOFRONTERA BIOSCIENCE GMBH,
BIOFRONTERA PHARMA GMBH, and BIOFRONTERA AG
Petitioner

v.

SUN PHARMACEUTICAL INDUSTRIES, INC.
Patent Owner

Case IPR2024-01312

U.S. Patent No. 11,697,028

**PATENT OWNER'S OBJECTIONS TO PETITIONER'S PRE-
INSTITUTION EVIDENCE PURSUANT TO 37 C.F.R. § 42.64(b)(1)**

Mail Stop Patent Board
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to the Federal Rules of Evidence and 37 C.F.R. § 42.64, Patent Owner Sun Pharmaceutical Industries, Inc. (“Patent Owner” or “Sun Pharma”) timely objects to evidence submitted by Petitioners Bio Frontera Inc., Biofrontera Bioscience Gmbh, Biofrontera Pharma Gmbh, and Biofrontera Ag (collectively “Petitioners” or “Biofrontera”) prior to institution of Inter Partes Review IPR2024-01312. Patent Owner serves Petitioners with these objections to provide notice that Patent Owner may move to exclude the challenged exhibits under 37 C.F.R. § 42.64(c).

Exhibit 1019 – Plaintiff’s Infringement Contentions submitted as Exhibit 4 attached to complaint filed in *Sun Pharmaceutical Industries, Inc. v. Biofrontera Bioscience GmbH, Biofrontera Pharma GmbH, Biofrontera AG, and Biofrontera Inc.*, Civil Action No. 1:24-cv- 11637 (D. Mass) (filed on June 25, 2024)

Patent Owner objects to this exhibit under Fed. R. Evid. 401 and 402 because Petitioner’s reliance on this exhibit is irrelevant and therefore inadmissible.

Rule 401 states “[E]vidence is relevant if: (a) it has any tendency to make a fact more or less probable than it would be without the evidence; and (b) the fact is of consequence in determining the action.”

Rule 402 states “[i]rrelevant evidence is not admissible.”

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Dated: March 10, 2025

Respectfully submitted,

/Gabrielle E. Higgins/

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*Counsel for Patent Owner Sun Pharmaceutical
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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on March 10, 2025, a complete copy of the foregoing was served on counsel of record for Petitioner by filing this document through P-TACTS and by sending this document via electronic mail to the following addresses:

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Respectfully submitted,

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