

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BeiGene USA, Inc. and BeiGene, LTD.,
Petitioners,

v.

Pharmacyclics LLC
Patent Owner.

PGR2024-00009
Patent 11,672,803

**PETITIONERS' OBJECTIONS TO
ADMISSIBILITY OF EVIDENCE SUBMITTED BY PATENT OWNER**

Pursuant to 37 C.F.R. § 42.64(b), Petitioners BeiGene USA, Inc. and BeiGene, LTD (collectively “BeiGene”), hereby object as follows to the admissibility of evidence filed by Patent Owner Pharmacyclics LLC, in conjunction with the Patent Owner’s Response, filed on August 7, 2024.

Evidence	Objections
Exhibit 2010	<p>FRE 105: To the extent that any portion of this exhibit may be deemed admissible, such admissibility should be for a limited purpose.</p> <p>FRE 402/403: The exhibit includes assertions and testimony that are not relevant to any ground upon which trial was instituted and/or for which the probative value 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 cumulative evidence.</p> <p>FRE 602: The exhibit includes assertions for which evidence has not been introduced sufficient to show that the witness has personal knowledge of the matter asserted.</p> <p>FRE 701/702/703 and/or 37 C.F.R. § 42.65: The declarant is not qualified to opine on what a person of ordinary skill</p>

Evidence	Objections
	<p>in the art would understand, to opine on patent claim limitations, to perform claim construction, and/or to perform legal analysis of invalidity. The opinion testimony offered in this exhibit is not based on scientific, technical, or other specialized knowledge, and is also not based on personal knowledge. The opinion testimony includes unsubstantiated leaps and advances inaccurate, unqualified and unsupported generalizations. The opinion testimony fails to properly disclose the underlying facts or data on which the opinion is based. The opinion testimony includes testimony on United States patent law and/or patent examination practice. The opinion testimony includes conclusions based on documents that are subject to objections indicated herein, that have not been sufficiently authenticated as what the declarant asserts or believes them to be, and/or that an expert in the field would not reasonably rely on in forming an opinion on the particular subject.</p>

Evidence	Objections
	<p>FRE 705 and /or 37 C.F.R. § 42.65: The exhibit includes expert testimony that does not disclose the underlying facts or data.</p> <p>FRE 801/802: The entirety of the exhibit contains inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p>
Exhibit 2012	<p>FRE 105: To the extent that any portion of this exhibit may be deemed admissible, such admissibility should be for a limited purpose.</p> <p>FRE 402/403: The exhibit includes assertions and testimony that are not relevant to any ground upon which trial was instituted and/or for which the probative value 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 cumulative evidence.</p> <p>FRE 602: The exhibit includes assertions for which evidence has not been introduced sufficient to show that the witness has personal knowledge of the matter asserted.</p>

Evidence	Objections
	<p>FRE 701/702/703 and/or 37 C.F.R. § 42.65: The declarant is not qualified to opine on what a person of ordinary skill in the art would understand, to opine on patent claim limitations, to perform claim construction, and/or to perform legal analysis of invalidity. The opinion testimony offered in this exhibit is not based on scientific, technical, or other specialized knowledge, and is also not based on personal knowledge. The opinion testimony includes unsubstantiated leaps and advances inaccurate, unqualified and unsupported generalizations. The opinion testimony fails to properly disclose the underlying facts or data on which the opinion is based. The opinion testimony includes testimony on United States patent law and/or patent examination practice. The opinion testimony includes conclusions based on documents that are subject to objections indicated herein, that have not been sufficiently authenticated as what the declarant asserts or believes them to be, and/or that an expert in the field</p>

Evidence	Objections
	<p>would not reasonably rely on in forming an opinion on the particular subject.</p> <p>FRE 705 and /or 37 C.F.R. § 42.65: The exhibit includes expert testimony that does not disclose the underlying facts or data.</p> <p>FRE 801/802: The entirety of the exhibit contains inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p>
Exhibit 2014	<p>FRE 105: To the extent that any portion of this exhibit may be deemed admissible, such admissibility should be for a limited purpose.</p> <p>FRE 402/403: The exhibit includes assertions and testimony that are not relevant to any ground upon which trial was instituted and/or for which the probative value 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 cumulative evidence.</p>

Evidence	Objections
	<p>FRE 602: The exhibit includes assertions for which evidence has not been introduced sufficient to show that the witness has personal knowledge of the matter asserted.</p> <p>FRE 701/702/703 and/or 37 C.F.R. § 42.65: The declarant is not qualified to opine on what a person of ordinary skill in the art would understand, to opine on patent claim limitations, to perform claim construction, and/or to perform legal analysis of invalidity. The opinion testimony offered in this exhibit is not based on scientific, technical, or other specialized knowledge, and is also not based on personal knowledge. The opinion testimony includes unsubstantiated leaps and advances inaccurate, unqualified and unsupported generalizations. The opinion testimony fails to properly disclose the underlying facts or data on which the opinion is based. The opinion testimony includes testimony on United States patent law and/or patent examination practice. The opinion testimony includes conclusions based on documents that are subject to objections indicated herein, that have not been</p>

Evidence	Objections
	<p>sufficiently authenticated as what the declarant asserts or believes them to be, and/or that an expert in the field would not reasonably rely on in forming an opinion on the particular subject.</p> <p>FRE 705 and /or 37 C.F.R. § 42.65: The exhibit includes expert testimony that does not disclose the underlying facts or data.</p> <p>FRE 801/802: The entirety of the exhibit contains inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p>
Exhibit 2016	<p>FRE 105: To the extent that any portion of this exhibit may be deemed admissible, such admissibility should be for a limited purpose.</p> <p>FRE 402/403: The exhibit includes assertions and testimony that are not relevant to any ground upon which trial was instituted and/or for which the probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing</p>

Evidence	Objections
	<p>the issues, undue delay, wasting time, or needlessly cumulative evidence.</p> <p>FRE 602: The exhibit includes assertions for which evidence has not been introduced sufficient to show that the witness has personal knowledge of the matter asserted.</p> <p>FRE 701/702/703 and/or 37 C.F.R. § 42.65: The declarant is not qualified to opine on what a person of ordinary skill in the art would understand, to opine on patent claim limitations, to perform claim construction, and/or to perform legal analysis of invalidity. The opinion testimony offered in this exhibit is not based on scientific, technical, or other specialized knowledge, and is also not based on personal knowledge. The opinion testimony includes unsubstantiated leaps and advances inaccurate, unqualified and unsupported generalizations. The opinion testimony fails to properly disclose the underlying facts or data on which the opinion is based. The opinion testimony includes testimony on United States patent law and/or patent examination practice. The opinion testimony</p>

Evidence	Objections
	<p>includes conclusions based on documents that are subject to objections indicated herein, that have not been sufficiently authenticated as what the declarant asserts or believes them to be, and/or that an expert in the field would not reasonably rely on in forming an opinion on the particular subject.</p> <p>FRE 705 and /or 37 C.F.R. § 42.65: The exhibit includes expert testimony that does not disclose the underlying facts or data.</p> <p>FRE 801/802: The entirety of the exhibit contains inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p>
Exhibit 2018	<p>Petitioners refer to the objections made during the deposition of Hollis Showalter, which are incorporated herein by reference.</p>
Exhibits 2019, 2020	<p>FRE 105: To the extent that any portion of these exhibits may be deemed admissible, such admissibility should be for a limited purpose.</p>

Evidence	Objections
	<p>FRE 402: The exhibit is not relevant to any ground upon which trial was instituted.</p> <p>FRE 403: The exhibit's probative value 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 cumulative evidence.</p> <p>FRE 802: The entirety of the exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p> <p>FRE 901: Patent Owner has not produced evidence sufficient to support a finding that the exhibit is what Patent Owner claims it is.</p> <p>Petitioners further refer to the objections made during the deposition of Hollis Showalter, which are incorporated herein by reference.</p>
Exhibit 2021	<p>Petitioners refer to the objections made during the deposition of Steven Rosen, which are incorporated herein by reference.</p>

Evidence	Objections
Exhibit 2022	<p>FRE 105: To the extent that any portion of these exhibits may be deemed admissible, such admissibility should be for a limited purpose.</p> <p>FRE 402: The exhibit is not relevant to any ground upon which trial was instituted.</p> <p>FRE 403: The exhibit's probative value 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 cumulative evidence.</p> <p>FRE 802: The entirety of the exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p> <p>FRE 901: Patent Owner has not produced evidence sufficient to support a finding that the exhibit is what Patent Owner claims it is.</p> <p>Petitioners further refer to the objections made during the deposition of Steven Rosen, which are incorporated herein by reference.</p>

Evidence	Objections
Exhibits 2023-2031, 2033-2043, 2045-2050, 2052-2061, 2063, 2065-2070, 2073-2075, 2077-2092, 2094-2109, 2111	<p>FRE 105: To the extent that any portion of these exhibits may be deemed admissible, such admissibility should be for a limited purpose.</p> <p>FRE 402: The exhibit is not relevant to any ground upon which trial was instituted.</p> <p>FRE 403: The exhibit's probative value 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 cumulative evidence.</p> <p>FRE 802: The entirety of the exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p> <p>FRE 901: Patent Owner has not produced evidence sufficient to support a finding that the exhibit is what Patent Owner claims it is.</p>
Exhibit 2110	<p>FRE 105: To the extent that any portion of these exhibits may be deemed admissible, such admissibility should be for a limited purpose.</p>

Evidence	Objections
	<p>FRE 402: The exhibit is not relevant to any ground upon which trial was instituted.</p> <p>FRE 403: The exhibit's probative value 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 cumulative evidence.</p> <p>FRE 802: The entirety of the exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p>

Dated: August 14, 2024

Respectfully submitted,

/Anish R. Desai/

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.205 and § 42.6(e), the undersigned certifies that
on August 14, 2024, a complete and entire copy of this PETITIONERS'
OBJECTIONS TO ADMISSIBILITY OF EVIDENCE SUBMITTED BY
PATENT OWNER were sent via electronic mail, upon the following:

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