

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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NOF CORPORATION,  
Petitioner,

v.

NEKTAR THERAPEUTICS,  
Patent Owner.

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Case IPR2019-01397  
Patent 9,187,569

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

In accordance with 37 C.F.R. § 42.64(b)(1), Nektar Therapeutics, the Patent Owner, submits the following objections to the evidence that NOF Corporation, the Petitioner, first served on July 21, 2020.

**I. Definitions**

“Accessibility” means that Patent Owner objects to the evidence because Petitioner has not demonstrated that it was accessible to the public in accordance with pre-AIA 35 U.S.C. § 102(a) or (b) and is therefore not relevant under Federal Rules of Evidence 401–402.

“Combined” means that Patent Owner objects to the evidence as being a combined document, which is impermissible under 37 C.F.R. § 42.6(a)(3).

“Hearsay” means that Patent Owner objects to the evidence as hearsay under Federal Rules of Evidence 801–802.

“Improper Form” means that Patent Owner objects to the testimonial evidence because it was not served or submitted in the form of an affidavit or in the form of a deposition transcript as required by 37 C.F.R. § 42.53(a).

“Improper Paragraph Renumbering” means that Patent Owner objects to the evidence because Petitioner submitted a substitute declaration for the declaration of Dr. Yuji Yamamoto (Ex. 1083) that contains improper changes to paragraph numbering as compared to the original Yamamoto declaration contrary to the parties’ agreement.

“Incomplete” means that Patent Owner objects to the evidence as being part of a writing that requires the introduction of the remainder of the writing because in fairness it ought to be considered at the same time under Federal Rule of Evidence 106.

“Personal Knowledge” means that Patent Owner objects to the testimonial evidence because Petitioner fails to introduce sufficient evidence to support a finding that the witness has personal knowledge of the matter as required by Federal Rule of Evidence 602.

“Relevance” means that Patent Owner objects to the evidence as not relevant under Federal Rules of Evidence 401–402.

“Uncited Exhibit” means that Patent Owner objects to the submission of the exhibit because it is not cited by Petitioner in either the Petition (Paper 1) or the supporting declaration of Dr. Yuji Yamamoto (Ex. 1083) and is therefore improper under 37 C.F.R. § 42.6(c) and/or 37 C.F.R. § 42.63(a).

“Unsubmitted Evidence” means that Patent Owner objects to the evidence because Petitioner served the evidence in this IPR without submitting it as an exhibit as required by 37 C.F.R. § 42.63(a).

“Untranslated” means that Patent Owner objects to the evidence because Petitioner did not produce a translation of the document into English and/or an

affidavit attesting to the accuracy of the translation as required by 37 C.F.R.

§ 42.63(b).

## II. Objections

| Evidence | Objection(s)                |
|----------|-----------------------------|
| Ex. 1084 | Hearsay, Personal Knowledge |

Date: July 27, 2020

Respectfully Submitted,

By: /Edgar H. Haug/

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### Certificate of Service

The undersigned hereby certifies that on July 27, 2020, a true and accurate copy of “Patent Owner’s Objections to Petitioner’s Post-Institution Evidence Under 37 C.F.R. § 42.64(b)(1)” was served by email on lead and back-up counsel for Petitioner at: **tdonovan@btlaw.com, mhagedorn@btlaw.com, vliptak@btlaw.com, kforgue@btlaw.com**. Petitioner previously consented to service by email at those addresses. (Paper 29 at 1-2).

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