

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TEVA PHARMACEUTICALS USA, INC.,
Petitioner,

v.

CORCEPT THERAPEUTICS, INC.,
Patent Owner.

PGR2019-00048
Patent 10,195,214 B2

**TEVA PHARMACEUTICALS USA, INC.'S
OBJECTIONS TO EVIDENCE**

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

Petitioner, Teva Pharmaceuticals USA, Inc. (“Teva”), objects under the Federal Rules of Evidence (FRE) and 37 C.F.R. § 42.64(b)(1) to the admissibility of Exhibits 2048–2055 and 2060–2067 (the “Challenged Evidence”), filed by Patent Owner Corcept Therapeutics, Inc. (“Corcept”) with its Patent Owner’s Response, filed on February 27, 2020. Teva’s Objections are timely filed under 37 C.F.R. § 42.64(b)(1) because they have been filed within five business days of service of evidence. Teva files these Objections to provide notice to Corcept that Teva may move to exclude the Challenged Evidence under 37 C.F.R. § 42.64(c).

I. IDENTIFICATION OF GROUNDS FOR OBJECTIONS

A. Exhibit 2063

Teva objects to Exhibit 2063 as lacking authentication under FRE 901. This exhibit purports to be a PDF printout of a web page, which is inadmissible under FRE 901 because Corcept has failed to provide sufficient evidence indicating the origin and creation of the PDF document. Accordingly, Corcept has not provided sufficient information regarding its authenticity. Further, this exhibit is not self-authenticating under FRE 902.

B. Exhibits 2048, 2053, 2060, 2061, 2062, 2064, and 2067

Teva also objects to Exhibits 2048, 2053, 2060, 2061, 2062, 2064, and 2067 as irrelevant under FRE 401 through FRE 403 because these exhibits are not cited by Corcept in the Patent Owner’s Response. They are, therefore, irrelevant under

FRE 401. Teva therefore objects to these exhibits under FRE 402. Teva also objects to these exhibits under FRE 403 because they have no probative value, create unfair prejudice to Teva, and will only confuse issues and waste the Board's time.

C. Exhibits 2061 and 2065

Teva also objects to Exhibits 2061 and 2065 under FRE 1001 through FRE 1003 because these documents have stray markings, extra pages, and other indicia that they are not original, or even clean copies of the original document. For example, the first page of Exhibit 2061 includes the terms "Exhibit E," without explanation, and the first page of Exhibit 2065 includes a watermark.

Teva objects because these exhibits do not reflect an appropriate "duplicate" as defined by FRE 1001(e) insofar as the exhibit is not "a copy . . . which accurately reproduces the original." Further, Teva objects to these exhibits for failure to comply with the best evidence rule. FRE 1002.

D. Exhibits 2056, 2057, and 2058

Teva also objects to Exhibits 2056, 2057, and 2058 under FRE 702, FRE 703, and FRE 602. In particular, Teva objects to certain testimony included in ¶¶ 47, 48, 50, 64, 65, 66, 79, 81, and 82 of Exhibit 2056 because Dr. Guenberich is not appropriately qualified to support this testimony or because the testimony lacks proper bases. Teva also objects to certain testimony included in ¶¶ 36, 39, 41, 44,

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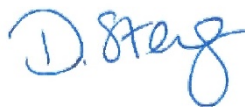
52, 56, 57, 58, 62, 64, 65, 66, 69, 70, 72, 73, 75, 76, 78, 79, 80, 82, and 84–94 of Exhibit 2057 because Dr. Carroll is not appropriately qualified to support this testimony, lacks personal knowledge, or because the testimony does not disclose the underlying facts or data. Finally, Teva objects to certain testimony included in ¶¶ 44, 47, 48, 50, 54, 55, 62, 66, 67, 71, 72, 74, 76–83, 85–89, and 91–99 of Exhibit 2057 because Dr. Katznelson is not appropriately qualified to support this testimony, lacks personal knowledge, or because the testimony does not disclose the underlying facts or data.

II. CONCLUSION

To the extent Corcept fails to correct the defects associated with the Challenged Evidence in view of Teva’s objections herein, Teva may file a motion to exclude the Challenged Evidence under 37 C.F.R. § 42.64(c).

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Date: March 5, 2020
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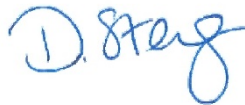
Deborah A. Sterling, Ph.D.
Registration No. 62,732
Lead Attorney for Petitioner

CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e))

The undersigned hereby certifies that the above-captioned "TEVA
PHARMACEUTICALS USA, INC.'S OBJECTIONS TO EVIDENCE" was served
in its entirety on March 5, 2020, upon the following parties via email:

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