

Filed on behalf of: Corcept Therapeutics, Inc.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TEVA PHARMACEUTICALS USA, INC.,
Petitioner

v.

CORCEPT THERAPEUTICS, INC.,
Patent Owner

Case PGR2019-00048
U.S. Patent No. 10,195,214

PATENT OWNER'S OBJECTIONS TO EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b)(1), Corcept Therapeutics, Inc. (“Patent Owner”) hereby submits the following objections to exhibits served with Teva Pharmaceuticals USA, Inc.’s Petition for Inter Partes Review (“Petition”). These objections are timely filed and served within ten business days of the PTAB’s November 20, 2019 Institution Decision (Paper 19).

Pursuant to 37 C.F.R. § 42.62, Patent Owner’s objections apply the Federal Rules of Evidence. Patent Owner’s objections and the basis for each objection are as follows:

I. OBJECTIONS TO EXHIBIT 1002

Patent Owner objects to Exhibit 1002, “Declaration of Dr. David J. Greenblatt, M.D.” Specifically, Patent Owner objects to the following paragraphs and associated headings in Exhibit 1002 pursuant to Fed. R. Evid. 702, Fed. R. Evid. 703 (insufficient qualification or support for expert testimony), Fed. R. Evid. 602 (lack of personal knowledge, speculation) and 37 C.F.R. § 42.65 (expert testimony does not disclose the underlying facts or data): ¶¶ 12, 38, 58, 60, 61, 66, 69, 86, 105, 124, and 129-131.

II. OBJECTIONS TO EXHIBITS 1004-06, 1028, 1040, 1043-1045, AND 1047-1053

Patent Owner objects to Exhibits 1028, 1040, 1043-1045, and 1047-1053 as lacking authentication under FRE 901. These exhibits purport to be PDF printouts

of web pages, but each is inadmissible under FRE 901 because Teva has failed to provide sufficient evidence indicating the origin and creation of the PDF documents or web pages, and accordingly Teva has not provided sufficient information regarding their authenticity. Further, these exhibits are not self-authenticating under FRE 902.

Patent Owner further objects to Exhibits 1004-06, 1048-1052 and 1056 pursuant to Fed. R. Evid. 802 (hearsay) if offered to prove the truth of the matter asserted therein, including, but not limited to, when those exhibits were allegedly published or would have been publicly available or accessible to an ordinarily skilled artisan.

Patent Owner further objects to Exhibits 1005 and 1006 pursuant to Fed. R. Evid. 401 and 402 (irrelevant). Neither Exhibit 1005 or 1006 is the type of evidence on which the relevant POSA would rely.

Date: December 5, 2019

Respectfully Submitted,



F. Dominic Cerrito (Reg. No. 38,100)
Eric C. Stops (Reg. No. 51,163)
Daniel C. Wiesner (pro hac vice)
Frank C. Calvosa (Reg. No. 69,064)
John Galanek (Reg. No. 74,512)
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
51 Madison Avenue, 22nd Floor

New York, NY 10010
Tel: (212) 849-7000
Fax: (212) 849-7100
nickcerrito@quinnemanuel.com
ericstops@quinnemanuel.com
danielwiesner@quinnemanuel.com
frankcalvosa@quinnemanuel.com
johngalanek@quinnemanuel.com

Counsel for Patent Owner

CERTIFICATE OF SERVICE

The undersigned certifies that on the date indicated below a copy of the foregoing Patent Owner's Objections to Exhibits thereto were served electronically by filing these documents through the PTAB E2E System, as well as by e-mailing copies to counsel of record for Petitioners at dsterling-PTAB@sternekessler.com, opartington-PTAB@sternekessler.com, jcrozendaal-PTAB@sternekessler.com, ueverett-PTAB@sternekessler.com, wmilliken-PTAB@sternekessler.com.

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QUINN EMANUEL URQUHART &
SULLIVAN, LLP
51 Madison Avenue, 22nd Floor
New York, NY 10010
Tel: (212) 849-7000
Fax: (212) 849-7100
nickcerrito@quinnemanuel.com
ericstops@quinnemanuel.com
danielwiesner@quinnemanuel.com
frankcalvosa@quinnemanuel.com
johngalanek@quinnemanuel.com

Counsel for Patent Owner