

Gan, Rosanna W.

From: Vivek Ganti <vg@hkw-law.com>
Sent: Saturday, December 26, 2015 2:35 PM
To: Oliver, Justin; Sharad Bijanki
Cc: #Amgen 595 IPR; John North
Subject: RE: IPR2016-00085 Complex Innovations v. Amgen

Justin,

I'd be happy to clarify my response. Complex Innovations is the only RPI. No other entity funded, controlled, or directed Complex Innovation's participation in this proceeding. If that were the case, we would have disclosed such an entity as an RPI. In regard to Mr. Mathis, the cited case explains why there is no requirement to disclose him in this proceeding.

Regards,
Vivek

From: Oliver, Justin [mailto:JOliver@fchs.com]
Sent: Wednesday, December 23, 2015 5:20 PM
To: Vivek Ganti <vg@hkw-law.com>; Sharad Bijanki <sb@hkw-law.com>
Cc: #Amgen 595 IPR <#Amgen595IPR@FCHS.COM>; John North <jln@hkw-law.com>
Subject: RE: IPR2016-00085 Complex Innovations v. Amgen

Vivek,

Thank you for your response.

In reviewing your email, it appears that you have identified who is not an RPI (generic pharmaceutical companies) and stated that Mr. Mathis "is the sole investor in Complex Innovations." However, this does not appear to address the specific legal issue raised. Any party that controls, funds, or directs an IPR proceeding may qualify as an RPI. Your email does not address whether any individual or entity *other than* Complex Innovations or Mr. Mathis controls, funds, or directs this case.

On the issue of Mr. Mathis' involvement, that he is the sole investor in Complex Innovations does not address who else may have controlled or directed the filing of the petition, whether an "investor" in Complex Innovations or not. Further, we note that the Board decision you cited involves a fact pattern in which 63 different entities had a potential financial interest in the named IPR. That fact pattern does not appear to reflect the circumstances of the present matter. Further, the cited decision does confirm that the exercise of control over a petitioner's participation in an IPR proceeding is a significant consideration for naming RPIs.

Therefore, in accordance with the statute, rules, and authority you cited, we ask that you confirm that no other individual or entity other than Mr. Mathis/Complex Innovations has exercised control, funded (monetarily or otherwise), or directed petitioner's participation in this proceeding. We ask for a response by January 5.

Justin

Justin J. Oliver
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From: Vivek Ganti [<mailto:vg@hkw-law.com>]
Sent: Wednesday, December 16, 2015 1:11 PM
To: Oliver, Justin; Sharad Bijanki
Cc: #Amgen 595 IPR; John North
Subject: RE: IPR2016-00085 Complex Innovations v. Amgen

Justin,

Amgen previously inquired on the RPI issue. Complex Innovations responded on October 14, 2015 and indicated that there are no generic pharmaceutical companies involved in this Petition. That remains the case.

Complex Innovations maintains that the RPI disclosure in the petition is complete and correct. Mr. Mathis is the sole investor in Complex Innovations, however, under the rules, an investor alone is not an RPI. See Intellectual Ventures Management LLC. v. Xilinx Inc., IPR2012-00023, Paper 10 (PTAB, Jan. 2013). If Amgen has any authority to the contrary, please forward it for our consideration.

Regards,
Vivek

From: Vivek Ganti
Sent: Friday, December 11, 2015 9:53 AM
To: 'Oliver, Justin' <JOliver@fchs.com>; Sharad Bijanki <sb@hkw-law.com>
Cc: #Amgen 595 IPR <#Amgen595IPR@FCHS.COM>; John North <jln@hkw-law.com>
Subject: RE: IPR2016-00085 Complex Innovations v. Amgen

Dear Justin,

We will look into your request and get back to you soon.

Regards,
Vivek

From: Oliver, Justin [<mailto:JOliver@fchs.com>]
Sent: Thursday, December 10, 2015 5:36 PM
To: Vivek Ganti <vg@hkw-law.com>; Sharad Bijanki <sb@hkw-law.com>
Cc: #Amgen 595 IPR <#Amgen595IPR@FCHS.COM>
Subject: IPR2016-00085 Complex Innovations v. Amgen

Dear Vivek,

I am counsel for Amgen in the referenced Inter Partes Review (IPR). I am writing to you concerning the real party in interest for this case.

As you know, 35 U.S.C. § 312(a)(2) requires that any IPR petition identify all real parties in interest. A real party in interest is the party that desires review of the patent, which includes any party at whose behest the petition is filed. Those that fund or control the filing of an IPR are generally considered real parties in interest.

In the present case, based on the limited information available for Complex Innovations, LLC, that entity does not appear to be a going concern that generates revenues to fund an IPR or to have any business interest in the review of the patent at issue. For example, the address for Complex Innovations registered with the State of California appears to be a residential address and the only registered agent, Gregory Mathis, does not have an apparent interest in the review of the patent at issue. For these reasons, Amgen requests that Complex Innovations disclose all parties (entities or individuals) (i) that control Complex Innovations, (ii) that fund Complex Innovations, and (iii) at whose behest the present IPR petition was filed. Amgen requests that this information be disclosed within seven (7) business days.

We look forward to your response in this matter.

Sincerely,
Justin

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