

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SANDOZ INC.,
APOTEX INC., APOTEX CORP.,
EMCURE PHARMACEUTICALS LTD.,
HERITAGE PHARMA LABS INC.,
HERITAGE PHARMACEUTICALS INC.,
GLENMARK PHARMACEUTICALS, INC., USA,
GLENMARK HOLDING SA,
GLENMARK PHARMACEUTICALS, LTD.,
MYLAN LABORATORIES LIMITED,
TEVA PHARMACEUTICALS USA, INC.
FRESENIUS KABI USA, LLC, and WOCKHARDT BIO AG,

Petitioners

v.

ELI LILLY AND COMPANY,

Patent Owner.

Case IPR2016-00318¹
U.S. Patent 7,772,209

**JOINT STIPULATION REGARDING THE DEPOSITION OF
DR. STEVEN H. ZEISEL, M.D., Ph.D.**

¹ Cases IPR2016-01429, IPR2016-01393, and IPR2016-01340 have been joined with the instant proceeding.

Petitioner Sandoz Inc. (“Sandoz”) and Patent Owner Eli Lilly & Co. (“Lilly”) have reached an agreement in order to reduce discovery related to the deposition of Dr. Steven H. Zeisel, M.D., Ph.D., and hereby stipulate and agree as follows:

1. Dr. Steven H. Zeisel, M.D., Ph.D. submitted an expert declaration in the above-captioned *inter partes* review on September 30, 2016. (Ex. 2118, Zeisel Decl.)

2. On September 30, 2016, Dr. Zeisel submitted a substantively identical expert declaration in *Neptune Generics, LLC v. Eli Lilly and Co., Inc.*, IPR2016-00237 and *Neptune Generics, LLC v. Eli Lilly and Co., Inc.*, IPR2016-00240 (hereinafter, “Neptune IPRs”). (IPR2016-00237, Ex. 2118, Zeisel Decl.; IPR2016-00240, Ex. 2118, Zeisel Decl.)

3. On November 14, 2016, Sandoz timely noticed the deposition of Dr. Steven H. Zeisel, M.D., Ph.D., in the above-captioned *inter partes* review for Wednesday, November 30, 2016. (Paper No. 45, Dep. Notice.)

4. Dr. Steven H. Zeisel was deposed on November 22, 2016 in the Neptune IPRs. (IPR2016-00237, Paper No. 43, Dep. Notice; IPR2016-00240, Paper No. 42, Dep. Notice.)

5. Lilly agrees that Sandoz may file the transcript of Dr. Zeisel's deposition testimony in the Neptune IPRs as an exhibit in the above-captioned IPR and that Sandoz may rely on that transcript.

6. Sandoz agrees to withdraw the deposition notice for Dr. Zeisel in IPR2016-00318 and forgo a separate deposition of Dr. Zeisel in IPR2016-00318.

7. Sandoz will submit an updated Exhibit List with its Reply Brief, which will list Exhibits referenced in Dr. Zeisel's deposition in the Neptune IPRs. To the extent the numbering of any such exhibits conflicts with numbering already used for different exhibits in the Sandoz proceeding, Sandoz's updated Exhibit List will include cross-references as appropriate.

Dated: December 6, 2016

Respectfully submitted,

/s/ Dov P. Grossman (with permission)

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CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing document was served on December 6, 2016 via email to the following individuals at the email addresses below.

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