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UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE MATTER OF:

IPR-2016-00383

BOARD TELECONFERENCE

UNITED STATES PATENT AND TRADEMARK OFFICE

WASHINGTON, D.C., 20006

JUNE 1, 2016

1:30 P.M.

BEFORE: LORA GREEN, ADMINISTRATIVE PATENT JUDGE

ATKINSON-BAKER, INC.
COURT REPORTERS
800-288-3376
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FILE NO.: AA05FE5

CHRISTINE MANOS
SHORTHAND REPORTER AND NOTARY PUBLIC

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APPEARANCES

APPEARING VIA TELEPHONE AS PANEL OF JUDGES:
ERICA FRANKLIN, HEARING OFFICER

APPEARING VIA TELEPHONE ON BEHALF OF PETITIONER GENZYME:
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PROCEEDINGS

JUDGE GREEN: GOOD AFTERNOON. THIS IS JUDGE GREEN AND I ALSO HAVE JUDGE FRANKLIN ON THE LINE WITH ME. I WOULD LIKE TO START WITH A ROLE CALL. WHO DO I HAVE FOR PETITIONER?

MS. FERRI: GOOD AFTERNOON, YOUR HONORS. ON BEHALF OF PETITIONER, YOU HAVE LISA FERRI AND RICHARD MCCORMICK.

JUDGE GREEN: OKAY, THANK YOU VERY MUCH. AND WHO DO I HAVE FOR PATENT OWNER?

MR. GUNTHER: YOUR HONOR, THIS IS BOB GUNTHER FROM WILMER HALE ON BEHALF OF THE PATENT OWNERS. IN ADDITION TO MYSELF, DAVE CAVANAUGH AND JOSH STERN FROM MY FIRM ARE BOTH ON THE LINE, AS WELL AS OUR CO-COUNSEL, JEFFREY KUSHAN, FROM THE SIDLEY AUSTIN FIRM.

JUDGE GREEN: OKAY, THANK YOU VERY MUCH. AND HAS EITHER PARTY ARRANGED FOR A COURT REPORTER TO BE ON THE LINE? PETITIONER?

MR. GUNTHER: OH, I'M SORRY.

THE COURT REPORTER: I'M SORRY, IT'S CHRISTINE, I'M HERE. I'M ON MUTE.

JUDGE GREEN: IT SOUNDS LIKE PATENT OWNERS HAVE ARRANGED TO HAVE A COURT REPORTER.

1 MR. GUNTHER: YOUR HONOR, YOU'RE RIGHT, WE
2 DID.

3 JUDGE GREEN: OKAY. AND YOU WILL SUBMIT A
4 TRANSCRIPT IN DUE COURSE AS AN EXHIBIT.

5 MR. GUNTHER: YES, YOUR HONOR, WE WILL.

6 JUDGE GREEN: OKAY, THANK YOU VERY MUCH.
7 IT'S MY UNDERSTANDING THAT PATENT OWNER
8 REQUESTED THIS CONFERENCE CALL TO REQUEST
9 AUTHORIZATION TO FILE A SUR-REPLY TO PATENT
10 OWNER -- TO PETITIONER'S -- PATENT OWNER'S
11 PRELIMINARY RESPONSE -- I'M GETTING CONFUSED
12 ANYWAY -- TO FILE A SUR-REPLY AS WELL AS TO
13 REQUEST ADDITIONAL DISCOVERY. PATENT OWNER,
14 WOULD YOU LIKE TO START?

15 MR. GUNTHER: YES, YOUR HONOR. THIS IS
16 BOB GUNTHER AND I'LL START. SO, YOUR HONOR,
17 ON -- ON MAY 20TH, GENZYME FILED ITS REPLY. AS
18 IT HAD INDICATED IT MIGHT, IT FILED ALONG WITH
19 THE REPLY ADDITIONAL EVIDENCE, NEW EVIDENCE, IN
20 THE FORM OF A DECLARATION FROM GENZYME'S VICE
21 PRESIDENT OF INTELLECTUAL PROPERTY,
22 TIMOTHY CREAGAN, AND HE MAKES A NUMBER OF
23 ASSERTIONS IN THAT DECLARATION, SOME TERRIBLY
24 SWEEPING ONES RELATING TO SANOFI'S ACQUISITION

1 OF GENZYME -- GENZYME'S OPERATION AFTER THE
2 ACQUISITION BUT BEFORE THIS RESTRUCTURING THAT
3 WAS ANNOUNCED IN JULY OF LAST YEAR.

4 HE ALSO TALKS ABOUT THE PREPARATION AND
5 FILING OF GENZYME'S IPRS AND HE -- AND HE TALKS
6 ABOUT THE SANOFI, IN VERY GENERAL TERMS BUT
7 FAIRLY SWEEPING TERMS, THE RESTRUCTURING THAT
8 AGAIN WAS ANNOUNCED LAST JULY AND THEN
9 APPARENTLY CAME INTO EFFECT AT THE BEGINNING OF
10 THIS YEAR.

11 JUDGE GREEN: NOW, DO YOU HAVE ANY REASON
12 OR ANY EVIDENCE ANY OF THE STATEMENTS ARE
13 INCORRECT AT THIS TIME?

14 MR. GUNTHER: WELL, YOUR HONOR, WE
15 HAVE -- HERE'S WHAT I WOULD SAY, THAT WE
16 HAVE -- WE HAVE A NEED FOR DISCOVERY BECAUSE A
17 NUMBER OF THE STATEMENTS ARE VERY BROAD
18 BUT -- BUT -- BUT SOMETIMES HAVE QUALIFICATIONS
19 IN THEM, AND I'LL GIVE YOU A COUPLE OF
20 EXAMPLES.

21 IN PARAGRAPH FOUR OF HIS DECLARATION WHERE
22 HE'S TALKING ABOUT HOW IT WAS -- HOW -- HOW
23 GENZYME WAS BASICALLY ORGANIZING AND RUNNING
24 ITSELF AFTER THE ACQUISITION AND THROUGH

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