PETITIONER'S REPLY IN SUPPORT OF MOTION FOR JOINDER



TABLE OF CONTENTS

I.	INT	INTRODUCTION	
II.	SUBSTANTIVE SIMILARITIES WEIGH HEAVILY IN FAVOR OF JOINDER		
III.	JOINDER WILL NOT PREJUDICE SANOFI		
	A.	No Interference from Mylan	2
	B.	Sanofi's Cited Board Decisions Are Distinguishable	3
	C.	Consideration of Joinder Will Not Slow the Proceedings in the Sanofi IPR	3
IV.	JOINDER WILL NOT PREJUDICE PATENT OWNERS		4
	A.	Mylan's Joinder Will Not Disrupt the Sanofi IPR	4
	B.	Patent Owners' Proposed Conditions for Joinder	4
	C.	Mylan Is Amenable to a Telephone Conference	5
V	CONCLUSION		5

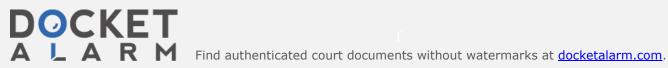


TABLE OF AUTHORITIES

Cases

Dell, Inc. v. Network-1 Sec. Solutions, Inc., IPR2013-00385	2
Samsung Electronics Co. v. Arendi S.A.R.L., IPR2014-01142	3
Teva Pharmaceuticals USA Inc. v. ViiV Healthcare Co., IPR2015-00550	3
Statutes	
35 U.S.C. § 315(b)	3
Regulations	
37 C.F.R. § 42.23(a)	1



Pursuant to 37 C.F.R. § 42.23(a), Petitioner Mylan Pharmaceuticals Inc. ("Mylan") hereby submits this Reply to Patent Owners' Opposition to Motion for Joinder (IPR2016-00710, Paper No. 8 (P.T.A.B. Apr. 4, 2016) ("PO Opp'n")) and Petitioners' Opposition to Motion for Joinder Filed by Mylan Pharmaceuticals Inc. in IPR2016-00710 (IPR2015-01624, Paper No. 25 (P.T.A.B. Apr. 4, 2016) ("Sanofi Opp'n")).

I. INTRODUCTION

Mylan's Petition contains the exact grounds on which the Sanofi IPR was instituted. For this reason alone, joinder is warranted. Moreover, the procedural concessions set forth in Mylan's Motion for Joinder, and reaffirmed here, ensure that there will be no prejudice to Sanofi or Patent Owners should joinder be granted. Further, these procedural concessions—including Mylan's additional concession (as proposed by Patent Owners) that Dr. Foote's deposition testimony be entered into the record and cited in the parties' respective filings irrespective of termination of the Sanofi IPR—eliminate any prejudice to Sanofi or Patent Owners and minimize the burden on the Board. For the reasons set forth below and in its Motion, Mylan respectfully requests that joinder be granted.

II. SUBSTANTIVE SIMILARITIES WEIGH HEAVILY IN FAVOR OF JOINDER

Genentech and Sanofi take no issue with joinder of the Mylan IPR on substantive grounds—nor could they—given the utter lack of substantive



differences between the Mylan IPR and the grounds of unpatentability the Board instituted in the Sanofi IPR. Indeed, the Mylan IPR seeks institution of *inter partes* review on the exact grounds instituted in the Sanofi IPR. Considering "the policy preference for joining a party that does not present new issues that might complicate or delay an existing proceeding," the Board should exercise its discretion to grant joinder here. *Dell, Inc. v. Network-1 Sec. Solutions, Inc.*, IPR2013-00385, Paper No. 17, at 10 (P.T.A.B. July 29, 2013).

III. JOINDER WILL NOT PREJUDICE SANOFI

A. No Interference from Mylan

Sanofi asserts that "interference from Mylan" and "having to seek Mylan's cooperation" on consolidated filings and discovery will cause prejudice to Sanofi. (Sanofi Opp'n, at 1). Not so. As stated in Mylan's Motion, Mylan agrees to significant procedural concessions should joinder be granted. (Petitioner's Motion for Joinder, IPR2016-00710, Paper No. 3, at 5-6, 8-9 (P.T.A.B. Mar. 3, 2016) ("Mot.")).

To be clear, Mylan has no (and never had any) intention to "interfere" with any of Sanofi's filings or discovery. Instead, Mylan seeks to minimize any burden on the Board by coordinating on filings and discovery should joinder be granted, while at the same time seeking no additional pages or deposition time. Further, Sanofi's counsel has been made aware that Mylan is willing to consider any reasonable procedural concessions in order to facilitate joinder and cooperation of



DOCKET

Explore Litigation Insights



Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time** alerts and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.

