

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AUROBINDO PHARMA U.S.A., INC.,
Petitioner,

v.

ASTRAZENECA AB,
Patent Owner.

Case IPR2016-01117
Patent No. RE44,186

NOTICE OF JOINT STIPULATION REGARDING JOINDER

I. Introduction

Following Patent Owner AstraZeneca AB's ("AstraZeneca") filing of its opposition (Paper 8) to Petitioner Aurobindo Pharma U.S.A., Inc.'s ("Aurobindo") motion to join (Paper 3) the instituted IPR2015-01340, *Mylan Pharms. Inc., v. AstraZeneca AB* (the "proceeding"), the parties met and conferred as to the level of cooperation between Aurobindo and Mylan that will be maintained if Aurobindo's motion for joinder was granted. Aurobindo notified AstraZeneca that it has reached an agreement with Mylan and, by this notice, stipulates that if joinder is granted, that it will cooperate with Mylan and any other joined party to provide a single voice in the joined proceeding, whether at hearings, at depositions, in filings, or otherwise.

II. Aurobindo's Stipulation

Aurobindo agrees to share the use of Mylan's experts with Mylan, the "Lead Petitioner," and all joined petitioners in this IPR proceeding. As long as Mylan is a party to the proceeding, Aurobindo will:

- coordinate any communications with Mylan's experts through Mylan;
- not produce their own testifying witness; and
- not file substantive papers (except for those associated with Board approved motions that do not affect Mylan or Mylan's position).

Aurobindo will confer and cooperate with Mylan and all joined petitioners on the consolidated filings but, as long as Mylan is a party to the review, Mylan will make all final decisions and will retain responsibility for oral argument (including telephone hearings and appeals). Aurobindo will not seek or receive separate time and will not separately argue during oral argument, including telephone hearings and appeals, except when addressing Board-approved motions that do not affect Mylan or Mylan's position.

Aurobindo will coordinate the discovery and testimony relating to witnesses with Mylan and all joined petitioners but, as long as Mylan is a party to the review, Mylan will make all final decisions. In particular, as long as Mylan is a party to the review, Aurobindo will not separately file or serve objections or discovery requests, will not receive separate cross examination or redirect time, will not separately cross examine or redirect any witness, and it stipulates that cross examinations will occur within the timeframe normally allotted to one party without a need for extension in light of the joinder.

Whether Mylan remains a party or not, Aurobindo will not actively seek to change the opinion of Mylan's current expert (Dr. Rotella) or present attorney arguments that contradict Dr. Rotella's opinions or the positions taken by Mylan in the copending litigation.

If Mylan is no longer a party to the proceeding, Aurobindo shall meet and confer with the remaining joined parties, if any, to select a new Lead Petitioner. Any such new Lead Petitioner will effectively take Mylan's place in this proceeding and Aurobindo will continue to be bound hereby.

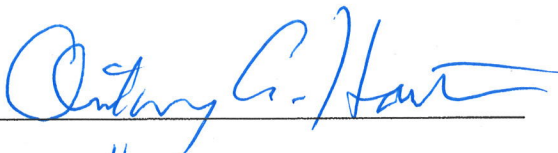
Nothing in this Notice of Stipulation Regarding Joinder is intended to limit the evidence the Board may consider pursuant to *Genzyme Therapeutic Partners Products LP v. Biomarin Pharma, Ltd*, ___ F.3d ___ (Fed. Cir. June 14, 2016).

III. Patent Owner's Stipulation

AstraZeneca has advised Aurobindo that it maintains that joinder is not proper for the reasons provided in its opposition to the motion for joinder. If joinder is granted, AstraZeneca stipulates that it will not request any additional level of cooperation other than that specified in the previous section.

Respectfully submitted,

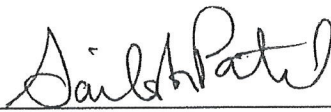
Dated: 8/29, 2016

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