

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.

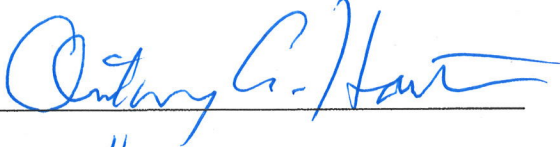
Nothing in this Notice of Stipulation Regarding Joinder is intended to limit the evidence the Board may consider pursuant to *Genzyme Therapeutic Partners Products LP v. Biomarin Pharma, Ltd*, \_\_\_ F.3d \_\_\_ (Fed. Cir. June 14, 2016).

### **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,

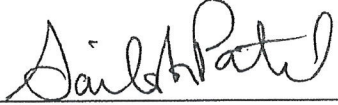
Dated: 8/29, 2016

By: 

Anthony Hartman Reg. No. 43,662  
Finnegan, Henderson, Farabow,  
Garrett & Dunner, L.L.P.  
901 New York Ave., NW  
Washington, DC 20001

*Counsel for Patent Owner in  
IPR2016-01117*

Dated: Aug. 29, 2016

By: 

Sailesh Patel, Reg. No. 46,982  
Schiff Hardin LLP  
233 South Wacker Drive, Suite 6600  
Chicago, IL 60606

*Counsel for Petitioner in  
IPR2016-01117*

# 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.