

**From:** [Trials](#)  
**To:** [Snedden, Sheridan](#); [Hulse, Tina](#); [Paulraj, Christopher](#)  
**Cc:** [Trials](#)  
**Subject:** FW: Mylan Pharmaceuticals et al. v. Saint Regis Mohawk Tribe, Case IPR2016-01127 (US 8,685,930 B2), et al.  
**Date:** Thursday, October 26, 2017 12:53:33 PM

---

Please see below

Thanks  
Andrew

---

**From:** Dzwonczyk, Michael R. [mailto:mdzwonczyk@sughrue.com]  
**Sent:** Thursday, October 26, 2017 3:38 PM  
**To:** Parmelee, Steve <sparmelee@wsgr.com>; Thorne, John <jthorne@kellogghansen.com>; Trials <Trials@USPTO.GOV>  
**Cc:** Rosato, Michael <mrosato@wsgr.com>; Mills, Jad <jmills@wsgr.com>; 'gspeier@carlsoncaspers.com' <gspeier@carlsoncaspers.com>; 'mschuman@carlsoncaspers.com' <mschuman@carlsoncaspers.com>; Kokabi, Azy S. <akokabi@sughrue.com>; Ribar, Travis B. <tribar@sughrue.com>; 'whelan@fr.com' <whelan@fr.com>; 'PTABInbound@fr.com' <PTABInbound@fr.com>; 'coletti@fr.com' <coletti@fr.com>; 'oakes@fr.com' <oakes@fr.com>; 'achan@shorechan.com' <achan@shorechan.com>; 'jdepumpo@shorechan.com' <jdepumpo@shorechan.com>; Klineberg, Geoffrey M. <gklineberg@kellogghansen.com>; Torczon, Richard <rtorczon@wsgr.com>  
**Subject:** RE: Mylan Pharmaceuticals et al. v. Saint Regis Mohawk Tribe, Case IPR2016-01127 (US 8,685,930 B2), et al.

Your Honors,

Akorn does not object to HTIA's request below to submit an *amicus* brief in this matter.

Respectfully,  
Mike Dzwonczyk  
Counsel for Akorn, Inc.

---

**From:** Parmelee, Steve [mailto:sparmelee@wsgr.com]  
**Sent:** Thursday, October 26, 2017 9:49 AM  
**To:** Thorne, John; 'trials@uspto.gov'  
**Cc:** Rosato, Michael; Mills, Jad; 'gspeier@carlsoncaspers.com'; 'mschuman@carlsoncaspers.com'; Dzwonczyk, Michael R.; Kokabi, Azy S.; Ribar, Travis B.; 'whelan@fr.com'; 'PTABInbound@fr.com'; 'coletti@fr.com'; 'oakes@fr.com'; 'achan@shorechan.com'; 'jdepumpo@shorechan.com'; Klineberg, Geoffrey M.; Torczon, Richard  
**Subject:** RE: Mylan Pharmaceuticals et al. v. Saint Regis Mohawk Tribe, Case IPR2016-01127 (US 8,685,930 B2), et al.

Your Honors,

Petitioners have no objection to the High Tech Inventors Alliance filing a brief as *amicus curiae* in this matter, as requested in Mr. Thorne's email below submitted to the Board yesterday.

Respectfully,

**Steven W. Parmelee**  
**Lead Counsel for Petitioner**  
**Wilson Sonsini Goodrich & Rosati**  
**701 Fifth Avenue, Suite 5100**  
**Seattle, WA 98104**  
206-883-2542 Direct  
[sparmelee@wsgr.com](mailto:sparmelee@wsgr.com) | [www.wsgr.com](http://www.wsgr.com)

---

**From:** Thorne, John [<mailto:jthorne@kelloggghansen.com>]  
**Sent:** Wednesday, October 25, 2017 2:01 PM  
**To:** 'trials@uspto.gov'  
**Cc:** Parmelee, Steve; Rosato, Michael; Mills, Jad; 'gspeier@carlsoncaspers.com'; 'mschuman@carlsoncaspers.com'; 'mdzwonczyk@sughrue.com'; 'akokabi@sughrue.com'; 'tribar@sughrue.com'; 'whelan@fr.com'; 'PTABInbound@fr.com'; 'coletti@fr.com'; 'oakes@fr.com'; 'achan@shorechan.com'; 'jdepumpo@shorechan.com'; Klineberg, Geoffrey M.  
**Subject:** Mylan Pharmaceuticals et al. v. Saint Regis Mohawk Tribe, Case IPR2016-01127 (US 8,685,930 B2), et al.

To: The Patent Trial and Appeal Board  
cc: Counsel for all parties

The High Tech Inventors Alliance respectfully requests leave to file a brief as *amicus curiae* on the question presented in the motion to dismiss filed by Patent Owner Saint Regis Mohawk Tribe (Paper No. 93). The HTIA is a nonprofit corporation whose members are as follows: Adobe Systems, Inc.; Amazon.com, Inc.; Cisco Systems, Inc.; Dell Inc.; Google Inc.; Intel Corporation; Oracle Corporation; and salesforce.com, inc.

HTIA is dedicated to advancing a patent system that promotes investment in new technologies and American jobs. HTIA's members employ nearly 500,000 U.S. employees, including many of the world's most innovative computer scientists and engineers. Collectively, they spent \$63 billion in 2016 on research and development, hold over 115,000 U.S. patents, and have a market capitalization over \$1.75 trillion. As frequent users of the Patent and Trademark Office's *inter partes* review process, HTIA's members are also keenly interested in ensuring that the IPR process remains available to resolve questions of patentability in an efficient and timely manner.

The issue raised by the Tribe in its motion to dismiss—namely, whether tribal sovereign immunity applies in IPR proceedings—is exceptionally important because its resolution may prove critical to the continuing availability of the IPR process. HTIA believes that it could provide the Patent Trial and Appeal Board with a useful perspective on the legal question presented here that will help inform the Board's disposition of the motion to dismiss.

HTIA requests that it be permitted to file its brief within three weeks of the Board's decision

on this request. HTIA also asks leave to include potentially other parties on its amicus brief, but HTIA and any others joining its brief will file only a single brief. Earlier this afternoon, HTIA sent emails to counsel for all parties in this proceeding, seeking their consent to this request. Although counsel for the Patent Owner indicated that they do not consent, we have not heard back from other counsel. All counsel are copied on this email.

Thank you for your consideration.

Respectfully submitted,

John Thorne

**John Thorne**

**KELLOGG, HANSEN, TODD, FIGEL & FREDERICK, P.L.L.C.**

Sumner Square | 1615 M Street, N.W. | Suite 400 | Washington, DC 20036  
office 202-326-7992 / mobile 202-365-7992 | fax 202-326-7999

NOTICE: This transmission is intended only for the use of the addressee and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately via reply e-mail, and then destroy all instances of this communication. Thank you.

This email and any attachments thereto may contain private, confidential, and privileged material for the sole use of the intended recipient. Any review, copying, or distribution of this email (or any attachments thereto) by others is strictly prohibited. If you are not the intended recipient, please contact the sender immediately and permanently delete the original and any copies of this email and any attachments thereto.

*Michael R. Dzwonczyk*

Sughrue Mion, PLLC | 2100 Pennsylvania Ave., N. W. Washington, DC 20037 | Office: 202-857-3233 | Fax: 202-293-7860  
mdzwonczyk@sughrue.com - [www.sughrue.com](http://www.sughrue.com)

**Warning: In rare cases, our e-mail filtering software may eliminate legitimate email from clients unnoticed. Therefore, if your mail contains important instructions, please make sure that we acknowledge receipt of those instructions.**

This message is intended only for the designated recipient(s). It may contain confidential or proprietary information and may be subject to the attorney-client privilege or other

confidentiality protections. If you are not a designated recipient, you may not review, copy or distribute this message. If you receive this in error, please notify the sender by reply e-mail to coordinate retrieval or deletion of this message. Thank you.