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UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

CASE IPR2016-01127
Patent No. 8.685,930 B2

MYLAN PHARMACEUTICALS, INC.,)
TEVA PHARMACEUTICALS USA,)
INC., and AKORN, INC.,)
Petitioners)
vs.)
ALLERGAN, INC., Patent Owner)

TELEPHONIC HEARING
September 11, 2017

Reported by: Shauna Foreman, CSR

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PROCEEDINGS

THE COURT: Who is on the call representing petitioner?

MR. TORCZON: Thank you, Your Honor. This is Richard Torczon. I am appearing on behalf of Mylan, and with me on the line is I believe Steve Parmelee and Jad Mills and Wendy Devine.

THE COURT: Mr. Torczon, T-O-R-C-Z-O-N? And you will be speaking today on behalf of petitioner?

MR. TORCZON: Yes, Your Honor.

THE COURT: And who do we have on the call for Allergan?

MS. WHELAN: Your Honor, this is Dorothy Whelan, and I'm joined by Michael Kane. We represent Allergan.

THE COURT: And who would be speaking for Allergan?

MS. WHELAN: No one will be speaking for Allergan, but Michael Shore will be speaking on the sovereign immunity issue -- the tribe's issue.

THE COURT: And who is representing the tribe?

MR. SHORE: Michael Shore, S-H-O-R-E, and with me -- in the room with me are Chris Evans

1 and Jessica (inaudible).

2 THE COURT: And I understand that we
3 have a pro hac vice motion and just want to confirm
4 that no one is going -- no one objects to Mr. Shore
5 speaking today on today's conference call.

6 MR. TORCZON: Your Honor, this is
7 Richard Torczon on behalf of Mylan. We have already
8 indicated to -- to the tribe that we do not oppose
9 their pro hac vice entry.

10 THE COURT: Okay. Thank you. Thank
11 you. I hear we have a court reporter. Who --

12 MR. CHAN: Your Honor, this is Alfonso
13 Chan. I'm also on the call on behalf of the tribe.

14 THE COURT: Thank you. And is there
15 anybody else on the call?

16 MR. SPEIER: Your Honor, this is Gary
17 Speier on behalf of Teva.

18 MR. DEWANSIK: Your Honor, this is
19 Mike Dzwonczyk on behalf of Akorn.

20 THE COURT: And anyone else?

21 MS. GRAY: Your Honor, this is Marissa
22 Young-Gray (phonetic) on behalf of Teva.

23 THE COURT: Okay. I'll keep asking
24 until I get a silence. Anybody else?

25 MR. TORCZON: Your Honor, this is

1 Richard Torczon. If counsel are all done, you should
2 be aware that there are actually two court reporters
3 on the call. Each side has requested to have a court
4 reporter present.

5 THE COURT: Okay. Thank you for that
6 information. And if you could, both parties file
7 their -- their transcript following this call.

8 Okay. I think with that, we'll begin.
9 Mr. Shore, would you like to begin?

10 MR. SHORE: Yes, Your Honor. I'm
11 going to take the phone off speaker so that this part
12 of the call will be easier for the court reporters
13 to -- to hear. I want to make sure there's no
14 feedback or anything.

15 Thank you for taking the call today,
16 Your Honor. For the record, my name is Michael
17 Shore. I represent St. Regis Mohawk Tribe. I do not
18 represent Allergan, and I do not speak for Allergan
19 on this call. I only speak behalf of the St. Regis
20 Mohawk Tribe.

21 Patent owner St. Regis Mohawk Tribe,
22 which I'm going to refer to as "the tribe" for the
23 remainder of my discussion today for the purposes of
24 the court reporter, hereby makes a special appearance
25 before this board to protect its sovereignty. No

1 immunity is waived by the tribe's counsel
2 participating in this call or in any briefing that
3 might follow regarding the tribe's assertion of its
4 sovereign immunity.

5 First, the tribe requests that the
6 board immediately enter an order staying all
7 proceedings in all IPRs before the board that might
8 in any way adversely affect the tribe's rights in
9 U.S. Patent Numbers 8,685,930, 8,629,111, 8,624,556,
10 866 -- 633,162, 8,648,048, 9,248,191. And for the
11 purposes of the court reporters, for the remainder of
12 my discussion today the '930 patent, the '111 patent,
13 the '556 patent, the '162 patent, the '048 patent,
14 and the '191 patent will be collectively referred to
15 as the patents-at-issue.

16 The stay -- the stay should remain in
17 place pending resolution of the tribe's sovereign
18 immunity challenge to the board's jurisdiction to
19 proceed with the IPRs.

20 The tribe is a federally-recognized
21 sovereign American Indian tribe. It has acquired all
22 the patents-at-issue. This is established by the
23 Assignment, which is Exhibit 2086 in the court's
24 record and the Updated Mandatory Notice, which was
25 Paper Number 63 in IPR2016-01127.

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