

Paper No. _____
Filed: March 29, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.

Petitioner

v.

JANSSEN ONCOLOGY, INC.

Patent Owner

Case No. IPR2016-01332

U.S. Patent No. 8,822,438

**PETITIONER'S SECOND NOTICE OF DEPOSITION OF
MATTHEW RETTIG, M.D.**

Pursuant to 37 C.F.R. § 42.53, Petitioner Mylan Pharmaceuticals Inc. (“Petitioner”), by and through its attorneys, will conduct cross-examination by deposition of Matthew Rettig, M.D. Dr. Rettig’s deposition will take place, as agreed by counsel for the parties, on March 31, 2017. The deposition will commence at 9:00 a.m. ET and continue from day-to-day as necessary, at the New York offices of Sidley Austin LLP (787 Seventh Avenue).¹

The deposition will be taken before a Notary Public or other officer authorized by law to administer oaths. It will be recorded using audiotape and/or stenographic means. Petitioners also intend to video record the cross-examination of Dr. Rettig.

¹ Petitioner originally noticed this deposition as occurring at the New York location of Perkins Coie LLP, the law firm representing Petitioner in this proceeding, following a common courtesy allowing the deposition-taking attorney’s office to serve as the location of the deposition. After an email exchange and a meet and confer, Patent Owner refused to produce the witness anywhere except the offices of Sidley Austin LLP. Therefore, given the immediacy of the upcoming deposition, Petitioner has no choice but to notice the deposition at the only location offered by Patent Owner.

March 29, 2017

Respectfully submitted,

/Brandon M. White/

Brandon M. White, Esq.

Reg. No. 52,354

Perkins Coie LLP

700 Thirteenth Street, N.W.

Suite 600

Washington, DC 20005-3960

bmwhite@perkinscoie.com

Tel: 202-654-6206

Fax: 202-654-9681

Counsel for Petitioner

Mylan Pharmaceuticals Inc.

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that I caused to be served a true and correct copy of the foregoing: PETITIONER'S SECOND NOTICE OF DEPOSITION OF MATTHEW RETTIG, M.D. by email to the electronic service addresses for Patent Owner:

Dianne B. Elderkin
Barbara L. Mullin
Ruben H. Munoz
Akin Gump Strauss Hauer & Feld LLP
JANS-ZYTIGA@akingump.com

David T. Pritikin
Bindu Donovan
Sidley Austin LLP
ZytigaIPRTeam@sidley.com

Dated: March 29, 2017

/Brandon M. White/
Brandon M. White
Reg. No. 52,354

Counsel for Petitioner Mylan Pharmaceuticals Inc.