
From: Wong, Jovial <JWong@winston.com>
Sent: Monday, February 20, 2017 3:04 PM
To: Donovan, Bindu; Olson, Isaac; Monsen, Alyssa; Langford, Andrew; Politi, Terry; Pritikin, David T.
Cc: Klein, Chuck; Park, Sam; Hauer, Ryan B.; Lin, Sharon; Creasey, David W.; Munoz, Ruben
Subject: RE: BTG Int'l et al. v. Actavis Labs. FL et al. No. 15-cv-5909 (D.N.J.) - Mylan IPR joinder

Bindu,

Further to your email below, please let us know by Wednesday February 22 whether Janssen consents to our clients joining the Mylan IPR. If so, we will inform the Board of the same. To the extent Janssen intends to oppose our motion for joinder or cannot respond by Wednesday, we will request that the Board expedite briefing on the joinder issue and/or inform the Board that Janssen did not respond to our repeated inquiries regarding consent.

Regards,
Jovial

Jovial Wong

Partner

Winston & Strawn LLP
1700 K Street, N.W.
Washington, DC 20006-3817

D: +1 (202) 282-5867

F: +1 (202) 282-5100

[Bio](#) | [VCard](#) | [Email](#) | [winston.com](#)



From: Donovan, Bindu [mailto:bdonovan@sidley.com]
Sent: Wednesday, February 08, 2017 6:56 PM
To: Wong, Jovial <JWong@winston.com>; Olson, Isaac <iolson@sidley.com>; Monsen, Alyssa <amonsen@sidley.com>; Langford, Andrew <alangford@sidley.com>; Politi, Terry <tpoliti@sidley.com>; Pritikin, David T. <dpritikin@sidley.com>
Cc: Klein, Chuck <CKlein@winston.com>; Park, Sam <SPark@winston.com>; Hauer, Ryan B. <RHauer@winston.com>; Lin, Sharon <SLin@winston.com>; Creasey, David W. <DCreasey@winston.com>; Munoz, Ruben <rmunoz@AKINGUMP.com>
Subject: RE: BTG Int'l et al. v. Actavis Labs. FL et al. No. 15-cv-5909 (D.N.J.) - Mylan IPR joinder

Jovial,

Thank you for your email. We are unable to respond at this time. We will provide our position in our response to your clients' motion for joinder after we have had an opportunity to consider your filings.

Best regards, Bindu

BINDU DONOVAN
Partner

SIDLEY AUSTIN LLP
+1 212 839 8742
bdonovan@sidley.com

From: Wong, Jovial [<mailto:JWong@winston.com>]
Sent: Wednesday, February 08, 2017 10:36 AM
To: Donovan, Bindu; Olson, Isaac; Monsen, Alyssa; Langford, Andrew; Politi, Terry; Pritikin, David T.
Cc: Klein, Chuck; Park, Sam; Hauer, Ryan B.; Lin, Sharon; Creasey, David W.; Munoz, Ruben
Subject: RE: BTG Int'l et al. v. Actavis Labs. FL et al. No. 15-cv-5909 (D.N.J.) - Mylan IPR joinder

Bindu,

For clarification, by taking a secondary role in the Mylan IPR proceedings if joined, our clients intend to rely on the same prior art and expert testimony submitted by Mylan, will agree to not submit any separate briefing on any issue (unless the issue pertains specifically to one of our clients and not to Mylan), and will agree to participate only as observers during depositions. That said, our clients reserve the right to take a primary and lead role in the IPR proceedings in the case that Mylan reaches a settlement with the patent owner Janssen or otherwise withdraws or no longer participates in the proceedings.

Let me know if you have any further questions, or want to discuss any of these clarifications. If not, please let us know whether our clients have Janssen's consent to join the Mylan IPR.

Regards,
Jovial

Jovial Wong

Partner

Winston & Strawn LLP
1700 K Street, N.W.
Washington, DC 20006-3817
D: +1 (202) 282-5867
F: +1 (202) 282-5100

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From: Donovan, Bindu [<mailto:bdonovan@sidley.com>]
Sent: Wednesday, February 08, 2017 8:42 AM
To: Wong, Jovial <JWong@winston.com>; Olson, Isaac <iolson@sidley.com>; Monsen, Alyssa <amonsen@sidley.com>; Langford, Andrew <alangford@sidley.com>; Politi, Terry <tpoliti@sidley.com>; Pritikin, David T. <dpritikin@sidley.com>
Cc: Klein, Chuck <CKlein@winston.com>; Park, Sam <SPark@winston.com>; Hauer, Ryan B. <RHauer@winston.com>; Lin, Sharon <SLin@winston.com>; Creasey, David W. <DCreasey@winston.com>; Munoz, Ruben <rmunoz@AKINGUMP.com>
Subject: RE: BTG Int'l et al. v. Actavis Labs. FL et al. No. 15-cv-5909 (D.N.J.) - Mylan IPR joinder

Jovial,

Your email does not provide sufficient information for us to determine whether we can consent to your clients' motion to join the Mylan IPR. In particular, your email does not explain what is meant by "maintain a secondary role in the proceedings." For example:

- Do your clients intend to rely on the same prior art and expert testimony submitted by Mylan?
- Do your clients agree that they will not be permitted to submit any separate briefing on any issue?
- Do your clients agree that they will not be permitted to participate in depositions, other than as observers?

Please explain in detail what you mean by "secondary role."

Best regards, Bindu

BINDU DONOVAN

Partner

Sidley Austin LLP

+1 212 839 8742

bdonovan@sidley.com

From: Wong, Jovial [<mailto:JWong@winston.com>]

Sent: Tuesday, February 07, 2017 2:29 PM

To: Donovan, Bindu; Olson, Isaac; Monsen, Alyssa; Langford, Andrew; Politi, Terry; Pritikin, David T.

Cc: Klein, Chuck; Park, Sam; Hauer, Ryan B.; Lin, Sharon; Creasey, David W.

Subject: RE: BTG Int'l et al. v. Actavis Labs. FL et al. No. 15-cv-5909 (D.N.J.) - Mylan IPR joinder

Bindu,

As discussed with you today, our clients (Actavis, Amneal, DRL, Sun, Teva, and West-Ward) will be filing an IPR petition for the '438 patent and a motion to join the Mylan IPR (IPR2016-01332). Our intent is to rely on the same grounds/set of experts as in the Mylan IPR, not request any alterations to the current schedule in the Mylan IPR, and maintain a secondary role in the proceedings.

Please let us know by 2pm ET tomorrow whether Janssen opposes our clients joining the Mylan IPR.

Regards,

Jovial

Jovial Wong

Partner

Winston & Strawn LLP

1700 K Street, N.W.

Washington, DC 20006-3817

D: +1 (202) 282-5867

F: +1 (202) 282-5100

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