

APOTEX INC., APOTEX CORP.,
ARGENTUM PHARMACEUTICALS LLC,
ACTAVIS ELIZABETH LLC, TEVA PHARMACEUTICALS USA, INC.,
SUN PHARMACEUTICAL INDUSTRIES, LTD.,
SUN PHARMACEUTICAL INDUSTRIES, INC., and
SUN PHARMA GLOBAL FZE,
Petitioners,

v.

NOVARTIS AG.,
Patent Owner.

Case IPR2017-00854¹
Patent US 9,187,405 B2

Before LORA M. GREEN, CHRISTOPHER M. KAISER,
and ROBERT A. POLLOCK, *Administrative Patent Judges*.

POLLOCK, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5

¹ Cases IPR2017-01550, IPR2017-01946, and IPR2017-01929 have been joined with this proceeding.

A conference call in the above proceedings was held on January 24, 2018, among counsel for the respective Petitioners, Patent Owner, and Judges Pollock, Green, and Kaiser to discuss (1) Patent Owner's request for authorization to file a motion to strike Petitioner's January 22, 2018 motion for additional discovery because it contained allegedly unauthorized argument regarding discovery of the phase III clinical trial protocol referenced in Exhibit 2065 and (2), Patent Owner's desire to correct a misstatement in Dr. Lublin's deposition regarding the timing of his access to the declaration testimony of Patent Owner's other experts.

Patent Owner engaged a court reporter for the call. Patent Owner will submit a copy of the transcript as an exhibit, which will serve as the official record of the call.

ORDER

Having considered the parties' positions, it is:

ORDERED that Patent Owner is authorized to file a supplemental brief responsive to Petitioner's arguments regarding discovery of the phase III clinical trial protocol referenced in Exhibit 2065. Patent Owner's supplemental brief shall be due one week from the date of this order and not exceed five pages.

FURTHER ORDERED that Patent Owner is authorized to submit a supplemental declaration of Dr. Lublin directed to the timing of his access to the declaration testimony of Patent Owner's other experts.

FURTHER ORDERED that Petitioner is authorized to conduct a telephonic deposition of Dr. Lublin not exceeding one hour and limited to the contents of his supplemental declaration.

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FURTHER ORDERED that the parties shall cooperate in scheduling Dr. Lublin's deposition and any stipulation in Due Dates permitted under the Scheduling Order.

FURTHER ORDERED that Patent Owner shall file a copy of the transcript of the January 24, 2018, conference call as an exhibit in this case.

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FOR PETITIONER APOTEX:

Steven W. Parmelee
Michael T. Rosato
Jad A. Mills
WILSON SONSINI GOODRICH & ROSATI
sparmelee@wsgr.com
mrosato@wsgr.com
jmills@wsgr.com

FOR PETITIONER ARGENTUM:

Teresa Stanek Rea
Deborah H. Yellin
Shannon M. Lentz
CROWELL & MORING LLP
tre@crowell.com
dyellin@crowell.com
slentz@crowell.com

Tyler C. Liu
ARGENTUM PHARMACEUTICALS, LLC
tliu@agpharm.com

FOR PETITIONER TEVA:

Amanda Hollis
Eugene Goryunov
KIRKLAND & ELLIS LLP
Amanda.hollis@kirkland.com
egoryunov@kirkland.com

FOR PETITIONER SUN PHARMA:

Samuel Park
WINSTON & STRAWN LLP
spark@winston.com

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FOR PATENT OWNER:

Jane M. Love
GIBSON, DUNN & CRUTCHER LLP
jlove@gibsondunn.com