

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APOTEX INC. and 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,
Petitioner,

v.

NOVARTIS AG,
Patent Owner.

Case IPR2017-00854
Patent 9,187,405 B2

Record of Oral Hearing
Held: May 11, 2018

Before CHRISTOPHER M. KAISER, ROBERT A. POLLOCK, and
KRISTI L. R. SAWERT, *Administrative Patent Judges*.

Case IPR2017-00854
Patent 9,187,405 B2

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Case IPR2017-00854
Patent 9,187,405 B2

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The above-entitled matter came on for hearing on Friday, May 11, 2018, commencing at 1:30 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

PROCEEDINGS

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MR. DILL: All rise.

JUDGE POLLOCK: Please be seated. Just give us a minute to set up. Good afternoon. This is the final hearing in IPR 2017-00854, and joined cases 2017-01550, 01946 and 01929.

This hearing is open to the public, and a full transcript of the hearing will be made part of the record in each case.

I am Judge Pollock. Here with me are Judge Sawert and, remotely, Judge Kaiser.

Before we begin with the substance of the hearing, I would ask the parties to introduce themselves. Counsel for lead Petitioner, Apotex, would you please introduce yourself and your colleagues?

MR. MILLS: Yes, Your Honor. Jad Mills. Here with me, Counsel Steve Parmelee with the law firm Wilson, Sonsini, Goodrich & Rosati, representing Apotex Inc., and Apotex Corp. With us we have Grace Winchell also of Wilson Sonsini who is beginning law school this fall.

JUDGE POLLOCK: Counsel for Petitioner Argentum?

MR. PARK: Sam Park from Winston & Strawn, here on behalf of all The Sun Entities.

JUDGE POLLOCK: Counsel for Petitioner Teva?

MR. GORYUNOV: Eugene Goryunov, on behalf of the Petitioner Teva.

JUDGE POLLOCK: And Counsel for Petitioner Sun Pharma?

MR. PARK: Oh. I'm the Counsel for Petitioner Sun Pharma?

JUDGE POLLOCK: Pardon me.

1 MR. LIU: Yes, I'm Tyler Liu, Counsel for Argentum.

2 JUDGE POLLOCK: Counsel for Patent Owner Novartis, would you
3 please introduce yourself and your colleagues?

4 MS. LOVE: Yes, Your Honor. Good afternoon. I'm Jane Love, and
5 with me is -- Robert Trenchard and Andrew Blythe. We are from Gibson,
6 Dunn & Crutcher representing Novartis. We also have with us today Peter
7 Wybell, who is the U.S. Head of Patent Litigation at Novartis, and with him
8 are two other litigators, Drew Holmes, from Novartis in the U.S.; and
9 Conrad Arnander from Basel, Switzerland.

10 JUDGE POLLOCK: Welcome to you all this afternoon. In an
11 attempt to put some order on the record for this proceeding, we will follow
12 the following format. Petitioner will begin by presenting arguments
13 regarding the claims for which the Board instituted trial and its motions to
14 exclude, if desired. Petitioner may reserve time for rebuttal arguments.

15 Patent Owner will then respond to Petitioner's arguments and present
16 its arguments regarding its motion to amend, and its motions to exclude, if
17 desired. Patent Owner may reserve time for rebuttal arguments as to its
18 motion to amend, and motion to exclude.

19 Petitioner may then respond to Patent Owner's motion to amend and
20 motions to exclude, and present rebuttal arguments regarding the challenged
21 claims.

22 Patent Owner may present rebuttal arguments as to its motion to
23 amend and motion to exclude.

24 It seems a little complicated. Are there any questions regarding the
25 order of argument?

26 MS. LOVE: No, Your Honor.

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