

MYLAN PHARMACEUTICAL INC. v. MONOSOL RX, LLC
Hearing on 10/04/2017

ORIGINAL

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICAL INC.,
Petitioner,
v.
MONOSOL RX, LLC,
Patent Owner.

Case IPR2017-00200
Patent 8,603,514 B2

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PAR PHARMACEUTICAL, INC. AND INTELGENX CORP.,
Petitioners,
v.
MONOSOL RX, LLC,
Patent Owner.

Case IPR2017-01557
Patent 8,603,514

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DR. REDDY'S LABORATORIES S.A. and DR. REDDY'S
LABORATORIES, INC.
Petitioner,
v.
MONOSOL RX, LLC,
Patent Owner.

Case IPR2017-01582
Patent 8,603,514

PATENT TRIAL AND APPEAL BOARD HEARING

Before Gina L. Smith, Certified Court Reporter

Reported Telephonically

On October 4, 2017, Commencing at 12:00 p.m.

1 MR. HAROLD FOX: Good afternoon, Your Honor. This
2 is Harold Fox, lead counsel for Monosol in the three
3 named IPR's. We do have a court reporter on the line.
4 With me I have Dustin Weeks and Sharon Broma who are
5 co-counsel, back-up counsel, on the 200 proceedings.

6 JUDGE FRANKLIN: And you are willing to
7 participate in this combined call?

8 MR. HAROLD FOX: Yes.

9 JUDGE FRANKLIN: And also I'm going to ask that
10 you file a copy of the transcript when it's available.

11 MR. HAROLD FOX: We will do so.

12 JUDGE FRANKLIN: And, Petitioner Mylan.

13 MR. STEVE PARMELEE: Good afternoon, Your Honor.
14 This is Steve Parmelee, lead counsel for Petitioner
15 Mylan Technologies, Inc. And we're here on the 2017-
16 00200 and I guess the--I'm not sure if the other case
17 is also involved in this call. My impression is it is
18 not so we do not have a court reporter. We're willing
19 to participate to the extent that this involves the
20 termination discussion, termination of our proceeding,
21 and that's the limited nature of our appearance this
22 afternoon.

23 JUDGE FRANKLIN: And to clarify, the parties
24 invited to this call are parties for your proceeding,
25 IPR200 but also IPR2017-01557 and 01582. So having

1 their participation in the call along with you and your
2 case is what I'm seeking confirmation of whether you
3 agree or are willing to have this combined call.

4 MR. STEVE PARMELEE: Yes, Your Honor.

5 JUDGE FRANKLIN: Thank you. And, Petitioner Par?

6 MR. JONATHAN STRANG: Good morning, Your Honor.
7 This is Jonathan Strang, counsel for Petitioner Par.
8 And with me today I have Brenda Danek. We do not have
9 a court reporter. Patent Owner indicated it will file
10 the transcript, and we do not object to the combined
11 call.

12 JUDGE FRANKLIN: Thank you. And can you spell
13 your last name for me.

14 MR. JONATHAN STRANG: Yes, Your Honor. S-T-R-A-N-
15 G.

16 JUDGE FRANKLIN: Thank you. Petitioner Dr.
17 Reddy's.

18 MR. IRA LEVY: Good afternoon, Your Honor. It is
19 Ira Levy from Goodwin on behalf of Dr. Reddy's in
20 IPR2017-01582. I am joined by my colleague Robert
21 Frederickson, who has not appeared but will be
22 appearing in the proceedings and we agree to join the
23 joint call. And similar to Par, we understand that
24 Patent Owner has a court reporter and will be filing
25 the transcript.

1 JUDGE FRANKLIN: Okay. Thank you all for that.
2 Before I talk to Par and Dr. Reddy's, the Petitioners
3 who urgently asked for this conference call, I'd like
4 to direct one question to Petitioner Mylan, Petitioner
5 of the 200IPR, a point of clarification.

6 It seems that at least in one, perhaps in both,
7 with respect to the joinder in both 1557 and 1582 you
8 may have indicated you do not oppose. We understand
9 that Mylan and Monosol have reached a settlement in
10 IPR200 and that as authorized have filed a motion to
11 terminate that proceeding. In view of that settlement
12 and that filing, does Mylan oppose the joinder request
13 in 1557 and 1582?

14 MR. STEVE PARMELEE: Your Honor, we're here to
15 talk about the termination of this 200 case. Our
16 position has not changed on those joinders cases
17 themselves.

18 JUDGE FRANKLIN: Okay. What I'm asking is for you
19 to clarify then. You're telling us that you do not
20 oppose joinder of 1557 and 1582 with you in the IRP200.

21 MR. STEVE PARMELEE: Well, we'd like to have this
22 proceeding terminated. And what Your Honor does with
23 the other cases and how they are treated doesn't
24 necessarily turn on termination here.

25 JUDGE FRANKLIN: Correct. I just wanted to ask

1 this one more time. This is for my clarification. I
2 want to know your position. Apart from termination, do
3 you have any issue with joinder with Par and Dr.
4 Reddy's in the IPR200?

5 MR. STEVE PARMELEE: Our position is the same as
6 we previously stated. We don't have an issue with the
7 joinder petitioners or petitions, but we do want our
8 proceeding terminated. We don't want responsibility for
9 the IPR200 as it goes forward or if it is to go
10 forward.

11 JUDGE FRANKLIN: Okay. And, Patent Owner, I think
12 I understand from an email that you sent your position,
13 but I want to give you an opportunity to respond to the
14 same question.

15 MR. HAROLD FOX: Your Honor, this is Harold Fox.
16 Dustin Weeks will be presenting for Patent Owner and
17 can address that point.

18 MR. DUSTIN WEEKS: Yes, Your Honor, this is Dustin
19 Weeks for Patent Owner. Patent Owner does oppose
20 joinder of both--of Dr. Reddy's and Par in this case.
21 And while we have not filed an opposition to the motion
22 for joinder for Par, I guess depending on how this call
23 goes today, Patent Owner would ask for authorization to
24 submit additional briefing in both cases opposing
25 joinder, given the change in circumstances due to the

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