

1
2 UNITED STATES PATENT AND TRADEMARK OFFICE
3 BEFORE THE PATENT TRIAL AND APPEAL BOARD

4 -----
5 MYLAN PHARMACEUTICALS INC.,

6 Petitioner,

7 V.

8
9 SANOFI-AVENTIS DEUTSCHLAND GMBH,

10 Patent Owner.
11 -----

12
13 Case IPR2018-01675,

14 Case IPR2018-01676 and

15 Case IPR2018-01678
16 -----

17
18 TELEPHONIC CONFERENCE

19 January 15, 2019

20 HELD BEFORE ADMINISTRATIVE PATENT JUDGES

21 BART A. GERSTENBLITH, JIM MAYBERRY

22 and HYUN J. JUNG

23 Reported by:

24 Tiffany Valentine

25 Job No. 154101

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

January 15, 2019

3:02 p.m.

Telephonic Conference held before
the Honorable PTAB Administrative Judges
Bart A. Gerstenblith, Jim Mayberry and Hyun
J. Jung. Held also before Tiffany
Valentine, a Notary Public for the State of
New York.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S :

WILSON SONSINI GOODRICH & ROSATI

Attorneys for Petitioner

1700 K Street NW

Washington, DC 20006

BY: RICHARD TORCZON, ESQ.

TASHA THOMAS, ESQ.

WES DERRYBERRY, ESQ.

WEIL GOTSHAL & MANGES

Attorneys for Patent Owner

767 Fifth Avenue

New York, New York 10153

BY: ANISH DESAI, ESQ.

ELIZABETH WEISWASSER, ESQ.

ALSO PRESENT:

STEPHANIE DONAHUE, ESQ.

1 PROCEEDINGS

2
3 JUDGE GERSTENBLITH: Good afternoon,
4 everyone. This is Judge Gerstenblith.
5 With me on the line are Judges Mayberry and
6 Jung.

7 This is a conference call for three
8 related cases, IPR2018-01675, 01676 and
9 01678.

10 Let's do a quick roll call. Who is
11 on the line for petitioner, please?

12 MR. TORCZON: Thank you, your Honor,
13 for taking the call. This is Richard
14 Torczon for Mylan. I also have with me on
15 the line Wes Derryberry and Tasha Thomas.
16 And I should advise the Board the call is
17 being transcribed.

18 JUDGE GERSTENBLITH. Excellent.
19 Thank you very much.

20 Who do we have on the line for
21 Patent Owner?

22 MR. DESAI: Anish Desai for Patent
23 Owner. Also on the line is Elizabeth
24 Weiswasser from Weil and Stephanie Donahue
25 from Sanofi.

1 PROCEEDINGS

2 JUDGE GERSTENBLITH: Thank you very
3 much.

4 This call was requested by
5 Petitioner. So Mr. Torczon, I will give
6 you the floor.

7 MR. TORCZON: Thank you, your Honor.
8 The call is about getting a reply to the
9 Patent Owner preliminarily responses.

10 There are really three points we
11 would like to raise in reply. The first is
12 the discretionary bases proposed for
13 denial. We believe that they are contrary
14 to both fact and law.

15 We believe if the Board wants to act
16 on them, we, under both due process and
17 statutory requirements, would require a
18 reply before the issues could be reached.
19 And most seriously, I think precisely
20 because what they're proposing is so
21 clearly contrary to statute. Sanofi is
22 basically inviting the Board to engage in
23 shenanigans.

24 A second point we would like to
25 reach is, at least in the 1675 petition,

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.