

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC. and PFIZER INC.,
Petitioner,

v.

SANOFI-AVENTIS DEUTSCHLAND GMBH,
Patent Owner.

Case IPR2018-01670 (Patent 8,679,069 B2)
Cases IPR2018-01675 and IPR2018-01676 (Patent 8,603,044 B2)
Cases IPR2018-01678 and IPR2019-00122 (Patent 8,992,486 B2)
Case IPR2018-01684 (Patent 9,604,008 B2)¹

Record of Oral Hearing
Held: January 15, 2020

Before LYNNE H. BROWNE, HYUN J. JUNG,
BART A. GERSTENBLITH, and
JAMES A. TARTAL, *Administrative Patent Judges.*

¹ This Record is entered into each case. The parties are not authorized to use this joint heading and filing style in their papers. Also, Pfizer Inc., who filed petitions in IPR2019-00977, IPR2019-00978, IPR2019-00980, IPR2019-00982, and IPR2019-00987, has been joined as a petitioner in these proceedings.

Case IPR2018-01670 (Patent 8,679,069 B2)
Cases IPR2018-01675 and IPR2018-01676 (Patent 8,603,044 B2)
Cases IPR2018-01678 and IPR2019-00122 (Patent 8,992,486 B2)
Case IPR2018-01684 (Patent 9,604,008 B2)

APPEARANCES:

ON BEHALF OF THE PETITIONER:

WESLEY E. DERRYBERRY, ESQUIRE
Wilson Sonsini Goodrich & Rosati
1700 K Street, NW
Fifth Floor
Washington, D.C. 20006-3817

DOUGLAS H. CARSTEN, ESQUIRE
Wilson Sonsini Goodrich & Rosati
12235 El Camino Real
Suite 200
San Diego, CA 92130-3002

ON BEHALF OF THE PATENT OWNER:

SUTTON ANSLEY, ESQUIRE
ANISH DESAI, ESQUIRE
Weit, Gotshal & Manges LLP
2001 M Street NW
Suite 600
Washington, D.C. 20036

1 PROCEEDINGS

2 - - - - -

3 JUDGE JUNG: Well, good afternoon. Please take your seats. This is
4 the hearing for several related cases. For the record, petitioner Mylan
5 Pharmaceuticals challenges U.S. Patent Number 8,679,069 in IPR2018-
6 01670, U.S. Patent Number 8,603,044 in IPR2018-01675 and IPR2018-
7 01676, U.S. Patent Number 8,992,486 in IPR2018-01678 and IPR2019-
8 00122, and, finally, U.S. Patent Number 9,604,008 in IPR2018-01684.

9 Sanofi-Aventis owns all of these challenged patents, and Pfizer has
10 been joined in several of these proceedings.

11 Starting with the petitioner's counsel, followed by patent owner's
12 counsel, please state your names for the record.

13 MR. CARSTEN: Doug Carsten of Wilson Sonsini Goodrich and
14 Rosati for petitioner. And along with me is lead counsel Rick Torczon, Wes
15 Derryberry and Tasha Thomas. All of my office Wilson Sonsini.

16 JUDGE JUNG: Thank you, Mr. Carsten. And, Mr. Wong, I see you
17 in the back.

18 MR. WONG: Jovial Wong from Winston and Strawn on behalf of the
19 petitioner, Pfizer.

20 JUDGE JUNG: Okay, thank you.

21 MR. DESAI: Afternoon, Your Honors. Anish Desai from Weil
22 Gotshal, I'm here on behalf of patent owner and here with me is Sutton
23 Ansley.

24 JUDGE JUNG: Welcome. All right. As we stated in our hearing
25 order, each party has 90 minutes of total time to present its arguments.
26 Petitioner will proceed first followed by patent owner. Each side may

Case IPR2018-01670 (Patent 8,679,069 B2)
Cases IPR2018-01675 and IPR2018-01676 (Patent 8,603,044 B2)
Cases IPR2018-01678 and IPR2019-00122 (Patent 8,992,486 B2)
Case IPR2018-01684 (Patent 9,604,008 B2)

1 reserve time for rebuttal. We plan to take a five minute break before we
2 hear rebuttal arguments.

3 And finally the last two reminders, please refer to your demonstratives
4 by slide number and please do not interrupt to make an objection. With all
5 of that said, Mr. Carsten, you may proceed when you are ready.

6 MR. CARSTEN: Thank you. Good afternoon and may it please the
7 Board.

8 JUDGE JUNG: Mr. Carsten, how much time do you want to reserve
9 for rebuttal?

10 MR. CARSTEN: I believe I'm probably going to take about 50
11 minutes up front and reserve about 40 but we will see how that goes. It just
12 depends upon how many questions you all have for me.

13 JUDGE JUNG: Okay.

14 MR. CARSTEN: But that's what I'm endeavoring to, endeavoring to
15 do. Thank you on behalf of the petitioners here for your patience and for
16 your kind attention to these IPR proceedings. There are nine of them in
17 total, six of them will be heard today and we will hear the other three in
18 about three weeks' time.

19 This one deals with four of the asserted patents as you indicated, Your
20 Honor. And I have got a slide deck which has been filed. The first few
21 slides and I'd just like to go through these and I'll endeavor to refer to them
22 by number for the benefit of Judge Browne and for the record.

23 Slide 3, identifies the particular grounds for the '069 patent, the -
24 01670 case.

Case IPR2018-01670 (Patent 8,679,069 B2)
Cases IPR2018-01675 and IPR2018-01676 (Patent 8,603,044 B2)
Cases IPR2018-01678 and IPR2019-00122 (Patent 8,992,486 B2)
Case IPR2018-01684 (Patent 9,604,008 B2)

1 Slide 4 identifies for the '044 patent, the particular grounds in claims
2 for the -01675 and -01676 cases.

3 Slide 5 identifies for the '486 patent the asserted grounds and claims
4 for the '486 patent.

5 And then finally slide 6 is the -01684 case for the '008 patent, the
6 claims and ground there.

7 I'd like to think of these in terms of two buckets. The '069, the '044
8 and the '486 all share the same specification. There is one disclosed
9 embodiment and the claims are all fairly similar in terms of the independent
10 claims.

11 And we have got a slide here, slide 7, which identifies and provides
12 some of the common themes. Now there are slight differences so for
13 example we have got a box here at the bottom of the slide that says while the
14 two of the three patents talk about a dose dial sleeve or a dose dial grip, one
15 of them talks about it as a dose knob, the '486 for example.

16 One of them talks -- two of them talk about a drive sleeve, one talks
17 about it as a driver but we are kind of using them all as the patents did in
18 very much the same vein.

19 And so if we look at the other or the bucket, we have got the '008
20 patent and the reason I put that in a different bucket, notwithstanding the
21 similarity of many of the claim terms is because it rides off of a different
22 chain from the original Great Britain application that was filed.

23 The Specification includes two additional embodiments along with the
24 one from the other cases and some additional text but as you can see from
25 looking at the claim terms here, again, we are all in the same vein. There

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.