

Arnold B. Calmann (abc@saiber.com)  
Katherine A. Escanlar (kae@saiber.com)  
**SAIBER LLC**  
One Gateway Center, 10th Floor, Suite 1000  
Newark, New Jersey 07102  
Telephone: (973) 622-3333

Douglas H. Carsten (dcarsten@wsgr.com)  
Elham Firouzi Steiner (esteiner@wsgr.com)  
Nathaniel R. Scharn (nscharn@wsgr.com)  
Alina L. Litoshyk (alitoshyk@wsgr.com)  
James P.H. Stephens (jstephens@wsgr.com)  
**WILSON SONSINI GOODRICH & ROSATI P.C.**  
12235 El Camino Real  
San Diego, California 92130  
Telephone: (858) 350-2300

*Attorneys for Defendants Mylan N.V., Mylan GmbH,  
Mylan Inc., and Mylan Pharmaceuticals Inc.*

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

SANOFI-AVENTIS U.S. LLC, SANOFI-  
AVENTIS DEUTSCHLAND GMBH, and  
SANOFI WINTHROP INDUSTRIE,

Plaintiffs,

v.

MYLAN N.V., MYLAN GMBH, MYLAN INC.,  
and MYLAN PHARMACEUTICALS, INC.,

Defendants.

C.A. No. 17-cv-09105-SRC-CLW

**DEFENDANTS' INVALIDITY CONTENTIONS**

Pursuant to Local Patent Rules 3.3 and 3.6, Defendants Mylan N.V., Mylan GmbH, Mylan Inc., and Mylan Pharmaceuticals, Inc. (collectively, the "Mylan Defendants" or "Defendants") hereby submit their Invalidity Contentions ("Invalidity Contentions") to Plaintiffs Sanofi-Aventis U.S. LLC, Sanofi-Aventis Deutschland GmbH, and Sanofi Winthrop Industrie (collectively, "Sanofi" or "Plaintiffs").

## 6. Exemplary Combinations

The subsections above and the attached claim chart identify exemplary combinations of the prior art that render the asserted claims obvious. For example, the claim chart identifies prior art that satisfies each claim limitation. To the extent Plaintiffs contend that any limitation is missing from any given reference, that limitation would be obvious in view of any of the other references that disclose that limitation as described in the claim chart. As examples, Defendants further identify the following combinations as rendering the asserted claims obvious, for the reasons described above in the example combinations, below, and in view of the exemplary disclosures in the attached claim chart:

- Judson, alone or in combination with Steinfeldt-Jensen, Atterbury, Møller, Burroughs, Bendek, Chanoch and/or Horstman;
- Steinfeldt-Jensen, alone or in combination with Judson and/or Burroughs;
- Burroughs, alone or in combination with Judson, Steinfeldt-Jensen, Harris '895, and/or Horstman;
- Giambattista '794, alone or in combination with Judson, Steinfeldt-Jensen, Giambattista '095, Burroughs, and/or Chanoch; or
- Any of the combinations identified for the '069, '486, '844, or '008 patents.

The disclosure of all limitations of the asserted claims are described in Exhibit C, attached. There are ample reasons to combine the above references in any of the described combinations.

For example, the above combinations simply combine prior art elements according to known methods to yield predictable results. The operation of threads, pistons, splines, clutches, and the like are well known and understood in the art. Further, the claims do not recite any limitations entirely unknown in the art, or any elements that provide unpredictable results. For example, regarding clickers, it was known that two relatively rigid materials impacting each other will produce sound, and there are ample disclosures of teeth and splines causing audible feedback when a user turns a dial. As another example, regarding helical threads, it was known

Defendants also note that secondary considerations are not part of the *prima facie* case of obviousness. Rather, a patentee may try and rebut a *prima facie* case of obviousness by coming forward with purported evidence of such secondary considerations. Defendants therefore have no burden at this stage to come forward with evidence rebutting such considerations. Defendants reserve the right to further rebut any claims of secondary considerations of non-obviousness raised by Plaintiffs, if any, as discovery proceeds in this case.

Dated: January 25, 2018

**SAIBER LLC**

By: s/Arnold B. Calman

Arnold B. Calmann ([ACalmann@saiber.com](mailto:ACalmann@saiber.com))

Katherine Escanlar ([KEscanlar@saiber.com](mailto:KEscanlar@saiber.com))

One Gateway Center, Suite 1000

Newark, New Jersey 07102

Telephone: (973) 622-3333

OF COUNSEL:

**WILSON SONSINI GOODRICH &  
ROSATI**

Douglas H. Carsten ([dcarsten@wsgr.com](mailto:dcarsten@wsgr.com))

Elham Firouzi Steiner ([esteiner@wsgr.com](mailto:esteiner@wsgr.com))

Nathaniel R. Scharn ([nscharn@wsgr.com](mailto:nscharn@wsgr.com))

Alina L. Litoshyk ([alitoshyk@wsgr.com](mailto:alitoshyk@wsgr.com))

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San Diego, CA 92130-3002

Phone: (858) 350-2300

Fax: (858) 350-2399

*Attorneys for Defendants Mylan N.V.,  
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Pharmaceuticals Inc.*