

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MYLAN PHARMACEUTICALS INC. and PFIZER INC.,  
Petitioner,

v.

SANOFI-AVENTIS DEUTSCHLAND GMBH,  
Patent Owner.

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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)<sup>1</sup>

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Record of Oral Hearing  
Held: January 15, 2020

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

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<sup>1</sup> 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:

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1 PROCEEDINGS

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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)  
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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

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