

1 PTAB conference call - 7/25/19

2 UNITED STATES PATENT AND TRADEMARK OFFICE  
3 BEFORE THE PATENT TRIAL AND APPEAL BOARD  
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5  
6 MYLAN PHARMACEUTICALS INC.,

7 Petitioner

8 v.

9 SANOFI-AVENTIS DEUTSCHLAND GMBH,

10 Patent Owner.  
11

12 IPR2019-00977, Patent No. 8,603,044

13 IPR2019-00982, Patent No. 8,992,486

14 IPR2019-00987, Patent No. 9,604,008

15 IPR2019-01022, Patent No. 9,526,844

16 IPR2019-01023, Patent No. 9,526,844  
17

18 TELEPHONIC CONFERENCE

19 July 25, 2019  
20  
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24 REPORTED BY: CARRIE LAMONTAGNE, CSR No. 13393

25 JOB NO. 164992

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June 25, 2019

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1:00 p.m., EST

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Telephonic proceedings, held before

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Administrative Patent Judges Hyun J. Jung, Bart A.

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Gerstenblith, and Lynne Browne, before Carrie

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LaMontagne, a Certified Court Reporter for the State

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of California.

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

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2 JUDGE JUNG: Hello. This is Judge Jung  
3 and this is a conference for cases IPR2019-00977  
4 through 982, 987, 1022, and 1023 between Petitioner  
5 Pfizer and Patent Owner Sanofi. There are pending  
6 motions to join the cases IPRs 2018-1670, 1675  
7 through 1680, 1682, 1684, and IPR2019-122. With me  
8 are Judge Browne and Judge Gerstenblith.

9 Counsel for Petitioner Pfizer, please introduce  
10 yourself.

11 MR. WONG: Hi there, your Honor, this is  
12 Jovial Wong of Winston & Strawn for Petitioner,  
13 Pfizer.

14 JUDGE JUNG: Thank you, Mr. Wong. Counsel  
15 for Patent Owner, please introduce yourself.

16 MR. ANSLEY: Hi, this is Sutton Ansley of  
17 Weil Gotshal & Manges on the line for Patent Owner.  
18 Some of my colleagues are on the line as well.

19 JUDGE JUNG: Thank you, Mr. Ansley.

20 And counsel for Petitioner Mylan, please  
21 introduce yourself.

22 MR. TORCZON: I'm sorry, Your Honor, I was  
23 on mute. This is Richard Torczon. I also have  
24 colleagues, Ellie Steiner, Wes Derryberry, and  
25 Tasha Thomas on the line.

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2 JUDGE JUNG: Okay. Thank you,  
3 Mr. Torczon.

4 And, Mr. Torczon, is it correct you arranged a  
5 court reporter for this conference?

6 MR. TORCZON: It is correct, Your Honor.  
7 She is on the line and we will get you a transcript  
8 promptly.

9 JUDGE JUNG: Okay. Thank you. The Panel  
10 requested this conference to discuss, number one,  
11 for all the pending Pfizer versus Sanofi proceedings  
12 the claim construction standard to be applied to the  
13 joint proceedings; and number two, specifically for  
14 the 979 case, the agreement between the parties to  
15 join claim one and then withdraw the joinder for  
16 claims two and three.

17 So I'll start with the claim construction  
18 standard for the joint proceedings.

19 As you all know, the proceedings that Pfizer  
20 wants to join here were instituted under the  
21 broadest reasonable interpretation standard and then  
22 Pfizer filed its petitions after the board changed  
23 the standard to the one used in federal district  
24 court. And we note that the Patent Owner's already  
25 filed a response based on the broadest reasonable

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