

## Ferenc, Christopher B.

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**From:** Ferenc, Christopher B.  
**Sent:** Monday, April 8, 2019 10:01 AM  
**To:** White, Brandon (Perkins Coie); Greb, Emily J. (Perkins Coie)  
**Cc:** Sodikoff, Brian; USR-CHI DMF; Tecfidera@perkinscoie.com  
**Subject:** RE: IPR2019-00789

Brandon and Emily,

Further to our numerous e-mails and voice mails, Sawai would like to know whether Mylan will agree to the expert sharing proposal outlined below. As you know, Biogen has opposed Sawai's Motion for Joinder. Sawai will need to know Mylan's position regarding the sharing of experts for its response. Thus, we kindly ask you to provide Mylan's response no later than COB on Wednesday, April 10, 2019.

Absent any response from Mylan, we will reach out the Board later this week requesting a conference with the panel in your IPR, and during that call we will request the Board Order Mylan to provide its response.

Best regards,

Chris

### Christopher B. Ferenc

Associate

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**From:** Ferenc, Christopher B. <[christopher.ferenc@kattenlaw.com](mailto:christopher.ferenc@kattenlaw.com)>  
**Sent:** Thursday, March 21, 2019 1:27 PM  
**To:** White, Brandon (Perkins Coie) <[BMWhite@perkinscoie.com](mailto:BMWhite@perkinscoie.com)>; Greb, Emily J. (Perkins Coie) <[EGreb@perkinscoie.com](mailto:EGreb@perkinscoie.com)>  
**Cc:** Sodikoff, Brian <[brian.sodikoff@kattenlaw.com](mailto:brian.sodikoff@kattenlaw.com)>; USR-CHI DMF <[USR-CHIDMF@kattenlaw.com](mailto:USR-CHIDMF@kattenlaw.com)>; Tecfidera@perkinscoie.com  
**Subject:** RE: IPR2019-00789

Brandon,

Thank you for your e-mail. We have not spoken to Biogen yet regarding Sawai's IPR. Part of the reason we have been trying to get a hold of you and your team for the past two weeks is to get Sawai and Mylan on the same page regarding experts before talking with Biogen. Given the upcoming deadlines to file oppositions to our motion for joinder, we cannot further delay that global meeting. Accordingly, we will be sending out an e-mail to all counsel later today to arrange a meet and confer next week to discuss any issues relating to Sawai's motion. We think it would be best if Sawai and Mylan could represent during that call they have reached an agreement about sharing experts. As you note below, given the similarity between each party's petition and accompanying declarations, this approach seems to make the most sense.

If you have any questions, or would like to discuss these issues prior to the meet and confer next week, please feel free to reach out to us at your convenience.

Best regards,

Chris

**Christopher B. Ferenc**

Associate

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**From:** White, Brandon (Perkins Coie) <[BMWhite@perkinscoie.com](mailto:BMWhite@perkinscoie.com)>

**Sent:** Thursday, March 21, 2019 12:56 PM

**To:** Ferenc, Christopher B. <[christopher.ferenc@kattenlaw.com](mailto:christopher.ferenc@kattenlaw.com)>; Greb, Emily J. (Perkins Coie) <[EGreb@perkinscoie.com](mailto:EGreb@perkinscoie.com)>

**Cc:** Sodikoff, Brian <[brian.sodikoff@kattenlaw.com](mailto:brian.sodikoff@kattenlaw.com)>; USR-CHI DMF <[USR-CHIDMF@kattenlaw.com](mailto:USR-CHIDMF@kattenlaw.com)>; [Tecfidera@perkinscoie.com](mailto:Tecfidera@perkinscoie.com)

**Subject:** RE: IPR2019-00789

Chris and Brian,

I have been in depositions this week and have not had a chance to get back to you before today. At the outset I note that Mylan was surprised this issue was not addressed before Sawai filed its IPR copying Mylan's petition and expert declarations.

Mylan would like to know whether Biogen has taken a position as to whether it will either waive its preliminary response or agree to expedite it? That will impact Mylan's decision making regarding an agreement on Sawai's use of Mylan's experts.

**Brandon White | Perkins Coie LLP**

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**From:** Ferenc, Christopher B. <[christopher.ferenc@kattenlaw.com](mailto:christopher.ferenc@kattenlaw.com)>

**Sent:** Tuesday, March 19, 2019 6:20 PM

**To:** White, Brandon (WDC) <[BMWhite@perkinscoie.com](mailto:BMWhite@perkinscoie.com)>; Greb, Emily J. (MSN) <[EGreb@perkinscoie.com](mailto:EGreb@perkinscoie.com)>

**Cc:** Sodikoff, Brian <[brian.sodikoff@kattenlaw.com](mailto:brian.sodikoff@kattenlaw.com)>; USR-CHI DMF <[USR-CHIDMF@kattenlaw.com](mailto:USR-CHIDMF@kattenlaw.com)>

**Subject:** RE: IPR2019-00789

Emily & Brandon,

I am following up on my e-mail from last week. Please let us know if Mylan will agree to the expert sharing proposal outlined below. We will be reaching out to all counsel in the IPR on Thursday morning to schedule a meet and confer early next week to discuss our motion for joinder.

Best regards,

Chris

**Christopher B. Ferenc**

Associate

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**From:** Ferenc, Christopher B.

**Sent:** Tuesday, March 12, 2019 2:57 PM

**To:** 'BMWhite@perkinscoie.com' <[BMWhite@perkinscoie.com](mailto:BMWhite@perkinscoie.com)>; 'egreb@perkinscoie.com' <[egreb@perkinscoie.com](mailto:egreb@perkinscoie.com)>

**Cc:** Sodikoff, Brian <[brian.sodikoff@kattenlaw.com](mailto:brian.sodikoff@kattenlaw.com)>; USR-CHI DMF <[USR-CHIDMF@kattenlaw.com](mailto:USR-CHIDMF@kattenlaw.com)>

**Subject:** RE: IPR2019-00789

Emily,

Thank you for your time today. After you have had a chance to speak with your team, please let us know your thoughts on the e-mail below.

Best regards,

Chris

**Christopher B. Ferenc**

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**From:** Ferenc, Christopher B.

**Sent:** Wednesday, March 6, 2019 4:34 PM

**To:** 'BMWhite@perkinscoie.com' <[BMWhite@perkinscoie.com](mailto:BMWhite@perkinscoie.com)>; 'egreb@perkinscoie.com' <[egreb@perkinscoie.com](mailto:egreb@perkinscoie.com)>

**Cc:** Sodikoff, Brian <[brian.sodikoff@kattenlaw.com](mailto:brian.sodikoff@kattenlaw.com)>; USR-CHI DMF <[USR-CHIDMF@kattenlaw.com](mailto:USR-CHIDMF@kattenlaw.com)>

**Subject:** IPR2019-00789

Brandon and Emily,

I hope this e-mail finds you well. In view of Sawai USA, Inc.'s and Sawai Pharmaceutical Co., Ltd.'s *Inter Partes* Review of claims 1-20 of U.S. Patent No. 8,399,514 (IPR 2019-00789) and its Motion for Joinder with IPR2018-01403, please let Brian and I know when you are available for a conference call.

During any such call, Petitioner Sawai would like to know whether Petitioner Mylan will allow Petitioner Sawai to directly rely on your declarations of Dr. Corboy, Dr. Benet, Ms. Rock, and Dr. McKeague. As explained in Sawai's joinder motion, if Petitioner Mylan allows Sawai to retain Mylan's declarants, then Sawai will withdraw its declarants. As an incentive, Petitioner Sawai is willing to share in the costs of retaining your declarants. During any such call, Petitioner Sawai would also like to know if Petitioner Mylan has any other objections to Petitioner Sawai's joinder motion.

Best regards,

Chris

**Christopher B. Ferenc**

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