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UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAWAI USA, INC. AND SAWAI PHARMACEUTICAL CO. LTD.,
Petitioners

v.

BIOGEN MA INC.,

Patent Owner.

IPR2019-00789

U.S. Patent No. 8,399,514

Henderson Legal Services. Inc.



Conference Call May 14, 2019

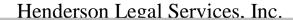
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 3
                                     May 14, 2019
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                                     3:01 p.m. EST
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               Telephonic proceedings, held before
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     Administrative Patent Judges, Sheridan Snedden,
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     Jackie Harlow, and Jennifer Chagnon, before
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     Carrie LaMontagne, a Certified Court Reporter for the
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     State of California.
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Henderson Legal Services. Inc.



Conference Call May 14, 2019

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                MARK FELDSTEIN, ESQ.
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Conference Call May 14, 2019

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JUDGE SNEDDEN: Good afternoon. This the
    Judge Snedden. I have with me on the line Judges
    Harlow and Chagnon. This is a teleconference for
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4
    IPR2019-00789.
         Who do I have on the line for Patent Owner?
6
              MS. McCURDY: Good afternoon, Your Honors.
    We also have a court reporter on the line.
         But let me introduce myself. It's
8
    Barbara McCurdy for Biogen, Patent Owner, and also
10
    Mark Feldstein, both of Finnegan Henderson.
11
              JUDGE SNEDDEN: Who do I have on the line
12
    for Patent Owner?
              MS. McCURDY: That was Patent Owner,
13
    Barbara McCurdy.
15
              JUDGE SNEDDEN: Petitioner.
16
              MR. FERENC: Good afternoon, Your Honors.
17
    This is Chris Ferenc from Katten Muchin Rosenman on
    behalf of the Sawai petitioners.
19
              JUDGE SNEDDEN: Can I have your name one
20
    more time.
21
              MR. FERENC: Sure. Christopher, last name
22
    Ferenc, of Katten Muchin Rosenman.
23
              JUDGE SNEDDEN: Ms. McCurdy, you'll file a
    copy of the transcript following this call?
24
25
              MS. McCURDY: Yes, we will.
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1 JUDGE SNEDDEN: All right. Ms. McCurdy, I 2 think you requested this call. I'll let you begin. 3 MS. McCURDY: Yes. Thank you. 4 We requested this call to seek authorization to 5 file a sur-reply to which the petitioner does not 6 object but sought limitations. So we would like to 7 file a sur-reply that's longer than they have agreed to and that addresses all the issues raised by their 8 reply. So there's not an opposition with respect to 10 a sur-reply, but just really the length and scope of 11 it. 12 In particular we would like to reply to two things. One, there was a declaration included in the 13 reply paper on the motion for joinder that we should 15 be able to respond to in the sur-reply really without 16 limitation. 17 And secondly, they raise a new argument that was not in their original petitioner motion for joinder 18 that we would like to address, and that's 19 20 specifically changing this reliance upon the basis 21 for their petition, which is the expert testimony of 22 different witnesses than are relied upon by Mylan, wholly different expert witnesses because they do not 24 have the agreement of Mylan and apparently did not 25 seek the agreement of Mylan to rely upon their



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