

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PFIZER INC.,
Petitioner,

v.

SANOFI-AVENTIS DEUTSCHLAND GMBH,
Patent Owner.

Cases

IPR2019-00977, IPR2019-00978 (Patent 8,603,044 B2)
IPR2019-00980 (Patent 8,992,486 B2)
IPR2019-01022, IPR2019-01023 (Patent 9,526,844 B2)¹

Before HYUN J. JUNG and BART A. GERSTENBLITH, *Administrative Patent Judges*.

JUNG, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5

¹ This Order is entered into each case. The parties are not authorized to use this joint heading and filing style in their papers.

IPR2019-00977 (Patent 8,603,044 B2)
IPR2019-00978 (Patent 8,603,044 B2)
IPR2019-00980 (Patent 8,992,486 B2)
IPR2019-01022 (Patent 9,526,844 B2)
IPR2019-01023 (Patent 9,526,844 B2)

At the request of the Board, a conference was held on July 25, 2019, between counsel for Pfizer Inc. (“Petitioner”), counsel for Sanofi-Aventis Deutschland GmbH (“Patent Owner”), counsel for Mylan Pharmaceuticals Inc. (“Mylan”), and Judges Jung and Gerstenblith to discuss Pfizer’s motions to join IPR2019-00977, IPR2019-00978, IPR2019-00980, IPR2019-01022, and IPR2019-01023 to, respectively, IPR2018-01675, IPR2018-01676, IPR2018-01678, IPR2018-01680, and IPR2018-01682. Paper 3 (“Motions”).² A court reporter was also present, and Mylan stated that it would file the transcript as soon as it was available. The transcript will reflect additional details of the conference not repeated below.

Mylan’s petitions in IPR2018-01675, IPR2018-01676, IPR2018-01678, IPR2018-01680, and IPR2018-01682 were filed before the Board changed its claim interpretation standard, and Pfizer’s petitions were filed after the change. During the conference, Petitioner, Patent Owner, and Mylan each confirmed that agreement had been reached regarding joinder so that Patent Owner would not oppose joinder under certain conditions. In response to questions by the panel, Petitioner, Patent Owner, and Mylan each indicated that, if the Motions are granted, there would be no issues or objections to continuing with the broadest reasonable interpretation standard of claim construction in each of the joined proceedings. Mylan indicated that its concerns about the claim interpretation standard to be applied after joinder have been addressed and that it desires no delay in the schedules set

² Pfizer’s Motion is Paper 3 in each of the above-captioned cases.

IPR2019-00977 (Patent 8,603,044 B2)
IPR2019-00978 (Patent 8,603,044 B2)
IPR2019-00980 (Patent 8,992,486 B2)
IPR2019-01022 (Patent 9,526,844 B2)
IPR2019-01023 (Patent 9,526,844 B2)

in IPR2018-01675, IPR2018-01676, IPR2018-01678, IPR2018-01680, and
IPR2018-01682.

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