

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MYLAN PHARMACEUTICALS INC.

Petitioner,

v.

MERCK SHARP & DOHME CORP.

Patent Owner.

U.S. Patent No. 7,326,708 to Cypes et al.

Issue Date: February 5, 2008

Title: Phosphoric Acid Salt of a Dipeptidyl Peptidase-IV Inhibitor

*Inter Partes* Review No.: IPR2020-00040

**PARTIES' CONSOLIDATED ONE PAGE SUBMISSIONS &  
JOINT NOTICE OF SUPPLEMENTAL AUTHORITY**

***Mail Stop "PATENT BOARD"***

Patent Trial and Appeal Board

U.S. Patent and Trademark Office

P.O. Box 1450

Alexandria, VA 22313-1450

Pursuant to a joint request via email to the Board on March 26, 2020, and an Order from the Board of the same date, Petitioner Mylan Pharmaceuticals Inc. and Patent Owner Merck Sharp & Dohme Corp. hereby submit their Consolidated One Page Submission and the Joint Notice of Supplemental Authority concerning:

- *Advanced Bionics, LLC v. MED-EL Elektromedizinische Gerate GmbH*, IPR2019-01469, Paper 6 (P.T.A.B. Feb. 13, 2020) (designated precedential March 24, 2020) (**Appendix C**);
- *Oticon Medical AB v. Cochlear Limited*, IPR2019-00975, Paper 15 (P.T.A.B. Oct. 16, 2019) (designated precedential March 24, 2020) (**Appendix D**); and
- *PUMA North America v. Nike Inc.*, IPR2019-01042, Paper 10 (P.T.A.B. Oct. 31, 2019) (designated informative March 24, 2020) (**Appendix E**).

Petitioner and Patent Owner also provide as **Appendix A** and **Appendix B**, respectively, a one-page statement explaining the import of these cases on their respective arguments concerning discretionary denial of institution under 35 U.S.C. §§ 314(a) and/or 325(d).

Date: March 30, 2020

Respectfully submitted,

/s Jitendra Malik/

Jitendra Malik, Ph.D. (Reg. No. 55,823)  
Alissa M. Pacchioli (Reg. No. 74,252)  
Christopher W. West, Ph.D.  
(Reg. No. 74,724)

/s Stanley E. Fisher /

Stanley E. Fisher (Reg. No. 55,820)  
Bruce R. Genderson (*Pro Hac Vice*)  
Jessamyn S. Berniker (Reg. No. 72,328)  
Shaun P. Mahaffy (Reg. No. 75,534)  
Anthony H. Sheh (Reg. No. 70,576)

Heike S. Radeke, Ph.D.  
(Reg. No. 75,394)  
KATTEN MUCHIN ROSENMAN  
550 S. Tryon Street, Suite 2900  
Charlotte, NC 28202-4213  
jitty.malik@katten.com  
alissa.pacchioli@katten.com  
christopher.west@katten.com  
heike.radeke@katten.com

*Counsel for Petitioner  
Mylan Pharmaceuticals Inc.*

WILLIAMS & CONNOLLY LLP  
725 Twelfth Street, N.W.  
Washington, DC 20005  
sfisher@wc.com  
bgenderson@wc.com  
jberniker@wc.com  
smahaffy@wc.com  
asheh@wc.com

*Counsel for Patent Owner  
Merck Sharp & Dohme Corp.*

## Appendix A

Petitioner Mylan Pharmaceuticals Inc.'s One Page Submission

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**PETITIONER MYLAN PHARMACEUTICALS INC.'S ONE PAGE  
SUBMISSION**

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