

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

MYLAN PHARMACEUTICALS, INC., )  
 )  
 Petitioner, )  
 ) Case No. IPR2020-00040  
 vs. )  
 ) U.S. Patent  
 MERCK SHARP & DOHME CORP., ) No. 7,326,708  
 )  
 Patent Owner.)  
 \_\_\_\_\_)

TELEPHONIC CONFERENCE

July 15, 2020

REPORTED BY: STEPHANIE WHITEHEAD, RDR, RMR, CRR,  
CSR No. 10093

---

DIGITAL EVIDENCE GROUP  
 1730 M Street, NW, Suite 812  
 Washington, D.C. 20036  
 (202) 232-0646

1 A P P E A R A N C E S

2

3 APR JUDGES: SHERIDAN K. SNEDDEN

4 ROBERT A. POLLOCK

5 TIMOTHY G. MAJORS

6

7 FOR PETITIONER:

Katten Muchin

8 BY: JITENDRA MALIK, Ph.D, ESQ.

550 South Tryon Street

9 Charlotte, North Carolina 28202

704.344.3185

10 jitty.malik@katten.com

11

12 FOR PATENT OWNER:

13 Williams & Connolly

14 BY: STANLEY FISHER, ESQ.

15 725 Twelfth Street, N.W.

Washington, D.C. 20005

16 202-434-5289

sfisher@wc.com

17

18

19 ALSO PRESENT: ELISE BAUMGARTEN, BRUCE GENDERSON

20

21

22

1           On Wednesday, July 15, 2020 commencing at the hour  
2           of 1:00 p.m. (EDT), the following proceedings were had  
3           telephonically before me, Stephanie L. Whitehead, Certified  
4           Shorthand Reporter in and for the State of California.

5

6                         Wednesday, July 15, 2020; 1:00 p.m.

7

8                         (The following telephonic hearing was  
9                         reported, and the record may reflect  
10                        failures in transmission or speaker  
11                        identification if clarification may  
12                        not be feasible.)

13

14                        JUDGE MAJORS: All right. This is Judge Majors.  
15           Online with me are Judges Pollock and Sneddon. I know we  
16           have Mr. Malik on and Mr. Fisher on for the petitioner in  
17           IPR2020-00040 and -- Mr. Malik on for petitioner, and  
18           Mr. Fisher on for patent owner in that case as well as the  
19           court reporter.

20

                      Is there anybody else on the line?

21

                      MR. MALIK: No one else for petitioner, your

22

Honor.

1 MR. GENDERSON: Your Honor --

2 MS. BAUMGARTEN: -- Baumgarten.

3 THE REPORTER: I'm sorry. I didn't get that  
4 last appearance.

5 MS. BAUMGARTEN: Apologies. This is Elise  
6 Baumgarten on behalf of patent owner as well.

7 THE REPORTER: Thank you.

8 JUDGE MAJORS: Hi, Ms. Baumgarten.

9 MR. GENDERSON: Bruce Genderson on behalf of  
10 patent owner.

11 JUDGE MAJORS: All right. Mr. Fisher and  
12 Mr. Malik, are you going to be speaking today on behalf of  
13 your respective clients?

14 MR. FISHER: Yes, your Honor.

15 MR. MALIK: Yes, your Honor.

16 JUDGE MAJORS: Okay. Do either of you know --  
17 just guessing, but are the other -- the other petitioners  
18 for which the joinder motion, they're not going to be on  
19 this call; is that right?

20 MR. MALIK: To the best of petitioner's  
21 knowledge that's the case, yes.

22 JUDGE MAJORS: Okay. All right. Why don't we

1 get going then. As I said, this is a conference call in  
2 IPR2020-00040. We're here to address a request by patent  
3 owner, which we'll start with that. And, Mr. Malik, we  
4 saw that you had sent in an e-mail of your own on behalf  
5 of petitioner.

6 But why don't we start then with Mr. Fisher.  
7 We've read your e-mail; you can outline patent owner's  
8 position. And then, Mr. Malik, you'll have an opportunity  
9 to respond.

10 MR. FISHER: Sure, your Honor. This is Stan  
11 Fisher for patent owner Merck. We thought it prudent to  
12 reach out to your Honors to request permission to file a  
13 motion to adjust the scheduling order in Mylan IPR. In  
14 light of the pending joinder motions in IPR2020-01045,  
15 -0160, and -0172, we understand that Mylan likely or does  
16 oppose any adjustment to the schedule.

17 Briefly, your Honor, we think that schedule  
18 adjustment will give the Board and the parties time to  
19 sort out a number of issues raised by the joinder motions  
20 and highlighted in our opposition papers which were filed  
21 in the new cases that I just identified.

22 Based on the present schedule in the Mylan IPR,

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.