

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC. TEVA PHARMACEUTICALS USA,
INC., WATSON LABORATORIES, INC., DR. REDDY'S
LABORATORIES, INC., DR REDDY'S LABORATORIES, LTD.,
and SUN PHARMACEUTICALS INDUSTRIES LTD, Petitioner,
V.
MERCK SHARP & DOHME CORP.,
Patent Owner.

IPR2020-00040
Patent 7,326,708B2

HEARING BEFORE THE PTAB
Telephonic conference
11/06/2020
9:01 a.m. (EDT)

BEFORE:

HONORABLE TIMOTHY G. MAJORS
HONORABLE SHERIDAN K. SNEDDEN
HONORABLE ROBERT A. POLLOCK

REPORTED BY: AMANDA GORRONO, CLR
CLR NO. 052005-01

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

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11/06/2020

9:01 a.m. (EDT)

TELEPHONIC HEARING IN RE: MYLAN
PHARMACEUTICALS INC. et al v. MERCK SHARP & DOHME
CORP., before Amanda Gorrono, Certified Live Note
Reporter, and Notary Public of the State of New York.

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

2 (Via Telephone):

3

4 ON BEHALF OF PETITIONER MYLAN:

JITENDRA MALIK, ESQUIRE

5 KATTEN MUCHIN ROSENMAN, LLP

550 South Tryon Street

6 Suite 2900

Charlotte, North Carolina 28202-4213

7 PHONE: 704.444.2000

E-MAIL: Jitty.malik@katten.com

8

9 ON BEHALF OF PATENT OWNER:

DAVID M. KRINSKY, ESQUIRE

10 WILLIAMS & CONNOLLY, LLP

725 Twelfth Street, N.W.

11 Washington, D.C. 20005

PHONE: 202.434.5338

12 E-MAIL: Dkrinsky@wc.com

13

14 ALSO PRESENT:

15 Stan Fisher, Esquire, Williams & Connolly

16 Keith Zullo, Esquire Goodwin Procter for Petitioners

17 Watson and Teva

18 Russ Faegenburg, Esquire, Lerner David for

19 Dr. Reddy's Petitioners

20 Claire Fundakowski, Esquire, Winston and Strawn for

21 Petitioner Sun

22

1 JUDGE MAJORS: This is Judge Majors
2 and online with me are Judges Pollock and Snedden, as
3 well. Counsel, you can go ahead and identify
4 yourselves.

5 MR. KRINSKY: Good morning. This is
6 David Krinsky for patent owner Merck, from Williams &
7 Connolly. My partner Stan Fisher is also on the
8 line.

9 MR. MALIK: Good morning. This is
10 Jitendra Malik from Katten, for Petitioner Mylan.

11 MR. ZULLOW: Good morning. This is
12 Keith Zullo from Goodwin Procter for Petitioners
13 Watson and Teva.

14 MR. FAEGENBURG: Good morning. Russ
15 Faegenburg of Lerner David for the Dr. Reddy's
16 petitioners.

17 MS. FUNDAKOWSKI: Good morning.
18 Claire Fundakowski from Winston and Strawn, on behalf
19 of Sun Petitioner.

20 JUDGE MAJORS: Okay. Great. I
21 think, correct me if I'm wrong, but I think we have
22 counsel on for Petitioners, all of the joint parties,

1 as well as Patent Owner. So unless anyone tells me
2 to the contrary, why don't we go ahead and begin.

3 We're here today for a conference
4 call in IPR 2020-00040, as well as the joined
5 Petitions, joined cases.

6 This call was requested by Patent
7 Owner. We've read your E-mail, Mr. Krinsky, I
8 understand you're going to be doing the arguing today
9 for Patent Owner.

10 So with that, why don't you go ahead
11 and begin, and then Mr. Malik, you'll have an
12 opportunity to respond.

13 MR. KRINSKY: Thank you, Your Honor.
14 This is David Krinsky for Merck. I think it might
15 make the most sense for me to just briefly lay out
16 the relief we're seeking, and the context in which it
17 arises, and than briefly address what I understand to
18 be the controversy between the parties.

19 The '708 patent, which is the subject
20 of this IPR, has a set of claims that are not at
21 issue with the IPR, Claims 5 through 7, and actually
22 also Claim 8, which comes from Claim 7, that

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