
From: Zullo, Keith A <KZullo@goodwinlaw.com>
Sent: Tuesday, June 23, 2020 4:59 PM
To: Trials
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Subject: IPR2020-01045 (Teva Pharmaceuticals USA, Inc. et al. v. Merck Sharp & Dohme Corp.,)

To the Honorable Board,

Pursuant to the Board's June 18, 2020 Order (IPR2020-01045, Paper 5), we write to inform the Board that counsel for Mylan, Teva/Watson, DRL and Sun (the petitioners in IPR2020-00040, IPR2020-01045, IPR2020-01060 and IPR2020-01072, respectively) have discussed joinder amongst themselves and with counsel for Merck. Mylan requested that we inform the Board of the following:

Mylan will not oppose joining Teva/Watson (IPR2020-01045), DRL (IPR2020-01060) and/or Sun (IPR2020-01072) (collectively "joinder petitioners") with IPR2020-00040 so long as each joinder petitioner agrees: (1) to a silent, understudy role throughout the IPR proceedings; (2) that none of the joinder petitioners will seek any change to the current IPR schedule; (3) that none of the joinder petitioners will seek or be permitted additional time to ask questions during any deposition; and (4) any other condition the PTAB sees fit to impose. Subject to any confidentiality obligations, Mylan does not object to the joinder petitioners attending any deposition.

Teva/Watson agree to abide by Mylan's conditions. Sun and DRL have also indicated that they agree to abide by Mylan's conditions.

Merck requested that we inform the Board of the following:

Patent Owner Merck is considering its position in view of the additional information provided by Petitioner Mylan today. Merck acknowledges application of the default deadline to oppose the motions for joinder provided in the Board's June 18, 2020 Order (IPR2020-01045, Paper 5), and will continue to confer with counsel for Petitioners in advance of that deadline to understand how, if at all, the issues may be narrowed.

Respectfully,

Keith A. Zullo
Counsel for Teva Pharmaceuticals USA, Inc. and Watson Laboratories, Inc.

Keith A. Zullo



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IPR2020-01045-01060-01072

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