

**From:** [Malik, Jitty](#)  
**To:** [Fisher, Stanley](#); [Mahaffy, Shaun](#); [Pacchioli, Alissa M.](#); [West, Christopher W.](#); [Radeke, Heike Simone](#); [Pacchioli, Alissa M.](#); [Van Buskirk, Tedd W.](#); [Teschner, Michael H.](#); [Faegenburg, Russell W.](#); [Wong, Jovial](#); [Fundakowski, Claire \(CFundakowski@winston.com\)](#); [Fischer, Sarah](#); [Zullo, Keith A](#)  
**Cc:** [Merck-Sitagliptin](#)  
**Subject:** RE: IPR2020-00040, IPR2020-01045, IPR2020-01060, IPR2020-01072  
**Date:** Thursday, July 2, 2020 8:51:25 AM

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Stan,

That will work.

Jitty

**Jitendra (“Jitty”) Malik Ph.D.**

Partner

**Katten**

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550 S. Tryon Street, Suite 2900 | Charlotte, NC 28202-4213  
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**From:** Fisher, Stanley <SFisher@wc.com>  
**Sent:** Thursday, July 2, 2020 8:49 AM  
**To:** Malik, Jitty <jitty.malik@katten.com>; Mahaffy, Shaun <SMahaffy@wc.com>; Pacchioli, Alissa M. <alissa.pacchioli@katten.com>; West, Christopher W. <christopher.west@katten.com>; Radeke, Heike Simone <heike.radeke@katten.com>; Pacchioli, Alissa M. <alissa.pacchioli@katten.com>; Van Buskirk, Tedd W. <tvanbuskirk@lerner david.com>; Teschner, Michael H. <mteschner@lerner david.com>; Faegenburg, Russell W. <rfaegenburg@lerner david.com>; Wong, Jovial <JWong@winston.com>; Fundakowski, Claire (CFundakowski@winston.com) <CFundakowski@winston.com>; Fischer, Sarah <SFischer@goodwinlaw.com>; Zullo, Keith A <KZullo@goodwinlaw.com>  
**Cc:** Merck-Sitagliptin <MerckSitagliptin@wc.com>  
**Subject:** RE: IPR2020-00040, IPR2020-01045, IPR2020-01060, IPR2020-01072

***EXTERNAL EMAIL – EXERCISE CAUTION***

Jitty,

Yes, can we say Thurs. Aug. 6?

Thanks,  
Stan

**Stanley E. Fisher**  
**Williams & Connolly LLP**  
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**From:** Malik, Jitty <[jitty.malik@katten.com](mailto:jitty.malik@katten.com)>

**Sent:** Wednesday, July 01, 2020 10:55 AM

**To:** Fisher, Stanley <[SFisher@wc.com](mailto:SFisher@wc.com)>; Mahaffy, Shaun <[SMahaffy@wc.com](mailto:SMahaffy@wc.com)>; Pacchioli, Alissa M. <[alissa.pacchioli@katten.com](mailto:alissa.pacchioli@katten.com)>; West, Christopher W. <[christopher.west@katten.com](mailto:christopher.west@katten.com)>; Radeke, Heike Simone <[heike.radeke@katten.com](mailto:heike.radeke@katten.com)>; Pacchioli, Alissa M. <[alissa.pacchioli@katten.com](mailto:alissa.pacchioli@katten.com)>; Van Buskirk, Tedd W. <[tvnbuskirk@lerner david.com](mailto:tvnbuskirk@lerner david.com)>; Teschner, Michael H. <[mteschner@lerner david.com](mailto:mteschner@lerner david.com)>; Faegenburg, Russell W. <[rfaegenburg@lerner david.com](mailto:rfaegenburg@lerner david.com)>; Wong, Jovial <[JWong@winston.com](mailto:JWong@winston.com)>; Fundakowski, Claire (<[CFundakowski@winston.com](mailto:CFundakowski@winston.com)>); Fischer, Sarah <[SFischer@goodwinlaw.com](mailto:SFischer@goodwinlaw.com)>; Zullo, Keith A <[KZullo@goodwinlaw.com](mailto:KZullo@goodwinlaw.com)>

**Cc:** Merck-Sitagliptin <[MerckSitagliptin@wc.com](mailto:MerckSitagliptin@wc.com)>

**Subject:** RE: IPR2020-00040, IPR2020-01045, IPR2020-01060, IPR2020-01072

Stan,

Does Merck have any availability August 5<sup>th</sup>-7<sup>th</sup>?

Jitty

**Jitendra (“Jitty”) Malik Ph.D.**

Partner

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**From:** Fisher, Stanley <[SFisher@wc.com](mailto:SFisher@wc.com)>

**Sent:** Wednesday, July 1, 2020 8:54 AM

**To:** Malik, Jitty <[jitty.malik@katten.com](mailto:jitty.malik@katten.com)>; Mahaffy, Shaun <[SMahaffy@wc.com](mailto:SMahaffy@wc.com)>; Pacchioli, Alissa M. <[alissa.pacchioli@katten.com](mailto:alissa.pacchioli@katten.com)>; West, Christopher W. <[christopher.west@katten.com](mailto:christopher.west@katten.com)>; Radeke, Heike Simone <[heike.radeke@katten.com](mailto:heike.radeke@katten.com)>; Pacchioli, Alissa M. <[alissa.pacchioli@katten.com](mailto:alissa.pacchioli@katten.com)>; Van Buskirk, Tedd W. <[tvnbuskirk@lerner david.com](mailto:tvnbuskirk@lerner david.com)>; Teschner, Michael H. <[mteschner@lerner david.com](mailto:mteschner@lerner david.com)>; Faegenburg, Russell W. <[rfaegenburg@lerner david.com](mailto:rfaegenburg@lerner david.com)>; Wong, Jovial <[JWong@winston.com](mailto:JWong@winston.com)>; Fundakowski, Claire (<[CFundakowski@winston.com](mailto:CFundakowski@winston.com)>); Fischer, Sarah <[SFischer@goodwinlaw.com](mailto:SFischer@goodwinlaw.com)>; Zullo, Keith A <[KZullo@goodwinlaw.com](mailto:KZullo@goodwinlaw.com)>

**Cc:** Merck-Sitagliptin <[MerckSitagliptin@wc.com](mailto:MerckSitagliptin@wc.com)>

**Subject:** RE: IPR2020-00040, IPR2020-01045, IPR2020-01060, IPR2020-01072

**EXTERNAL EMAIL – EXERCISE CAUTION**

Counsel,

Merck reserves all rights to oppose joinder, and if joinder is ordered, to seek party discovery in

advance of the deposition of Dr. Chorghade, along with a reasonable adjustment to the schedule to accommodate party discovery. Do any of the other Petitioners (Teva, Sun, or DRL) intend to respond to my June 26 letter, which was an attempt to narrow the issues and potentially obviate an opposition to joinder?

Assuming the Board denies the joinder motions, Merck has no objection to a remote deposition for Dr. Chorghade at the end of July. July 22 does not work for Merck; we are available the following week on any of July 29-31. Please let me know if one of those days works for Mylan to tentatively schedule Dr. Chorghade's deposition.

Thank you,  
Stan

**Stanley E. Fisher**  
**Williams & Connolly LLP**  
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**From:** Malik, Jitty <[jitty.malik@katten.com](mailto:jitty.malik@katten.com)>  
**Sent:** Monday, June 29, 2020 1:35 PM  
**To:** Mahaffy, Shaun <[SMahaffy@wc.com](mailto:SMahaffy@wc.com)>; Pacchioli, Alissa M. <[alissa.pacchioli@katten.com](mailto:alissa.pacchioli@katten.com)>; West, Christopher W. <[christopher.west@katten.com](mailto:christopher.west@katten.com)>; Radeke, Heike Simone <[heike.radeke@katten.com](mailto:heike.radeke@katten.com)>; Pacchioli, Alissa M. <[alissa.pacchioli@katten.com](mailto:alissa.pacchioli@katten.com)>; Van Buskirk, Tedd W. <[tvanbuskirk@lernerdavid.com](mailto:tvanbuskirk@lernerdavid.com)>; Teschner, Michael H. <[mteschner@lernerdavid.com](mailto:mteschner@lernerdavid.com)>; Faegenburg, Russell W. <[rfaegenburg@lernerdavid.com](mailto:rfaegenburg@lernerdavid.com)>; Wong, Jovial <[JWong@winston.com](mailto:JWong@winston.com)>; Fundakowski, Claire (<[CFundakowski@winston.com](mailto:CFundakowski@winston.com)> <[CFundakowski@winston.com](mailto:CFundakowski@winston.com)>); Fischer, Sarah <[SFischer@goodwinlaw.com](mailto:SFischer@goodwinlaw.com)>; Zullo, Keith A <[KZullo@goodwinlaw.com](mailto:KZullo@goodwinlaw.com)>  
**Cc:** Merck-Sitagliptin <[MerckSitagliptin@wc.com](mailto:MerckSitagliptin@wc.com)>  
**Subject:** RE: IPR2020-00040, IPR2020-01045, IPR2020-01060, IPR2020-01072

Counsel,

Mylan is in receipt of your letter. To that end, and speaking only on behalf of Mylan, Mylan remains opposed to any change in the current schedule. See IPR2020-00040 (Paper 32). To that end, Dr. Chorghade will be made available for his deposition on July 22<sup>nd</sup>. Due to the current COVID pandemic, and for the health and safety off all concerned, Dr. Chorghade will be made available only for a remote deposition. Please let Mylan know if Merck has any objection to proceeding on this date.

Thanks,

Jitty

**Jitendra ("Jitty") Malik Ph.D.**  
Partner

## Katten

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**From:** Mahaffy, Shaun <[SMahaffy@wc.com](mailto:SMahaffy@wc.com)>

**Sent:** Friday, June 26, 2020 5:22 PM

**To:** Malik, Jitty <[jitty.malik@katten.com](mailto:jitty.malik@katten.com)>; Pacchioli, Alissa M. <[alissa.pacchioli@katten.com](mailto:alissa.pacchioli@katten.com)>; West, Christopher W. <[christopher.west@katten.com](mailto:christopher.west@katten.com)>; Radeke, Heike Simone <[heike.radeke@katten.com](mailto:heike.radeke@katten.com)>; Malik, Jitty <[jitty.malik@katten.com](mailto:jitty.malik@katten.com)>; Pacchioli, Alissa M. <[alissa.pacchioli@katten.com](mailto:alissa.pacchioli@katten.com)>; Van Buskirk, Tedd W. <[tvanduskirk@lernerdavid.com](mailto:tvanduskirk@lernerdavid.com)>; Teschner, Michael H. <[mteschner@lernerdavid.com](mailto:mteschner@lernerdavid.com)>; Faegenburg, Russell W. <[rfaegenburg@lernerdavid.com](mailto:rfaegenburg@lernerdavid.com)>; Wong, Jovial <[JWong@winston.com](mailto:JWong@winston.com)>; Fundakowski, Claire <[CFundakowski@winston.com](mailto:CFundakowski@winston.com)> <[CFundakowski@winston.com](mailto:CFundakowski@winston.com)>; Fischer, Sarah <[SFischer@goodwinlaw.com](mailto:SFischer@goodwinlaw.com)>; Zullo, Keith A <[KZullo@goodwinlaw.com](mailto:KZullo@goodwinlaw.com)>

**Cc:** Merck-Sitagliptin <[MerckSitagliptin@wc.com](mailto:MerckSitagliptin@wc.com)>

**Subject:** IPR2020-00040, IPR2020-01045, IPR2020-01060, IPR2020-01072

***EXTERNAL EMAIL – EXERCISE CAUTION***

Counsel,

Please see the attached correspondence.

Regards,  
Shaun

**Shaun P. Mahaffy**

**Associate | Williams & Connolly LLP**

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