

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

Regeneron Pharmaceuticals, Inc.,  
Petitioner,

v.

Novartis Pharma AG,  
Novartis Technology LLC,  
Novartis Pharmaceuticals Corporation,  
Patent Owner

---

Case IPR2020-01318  
U.S. Patent No. 9,220,631

---

**PETITIONER'S REPLY REGARDING 35 U.S.C. §§ 314(a), 325(d)**

On November 17, 2020, the Board authorized Petitioner Regeneron Pharmaceuticals, Inc. (“Regeneron”) to file reply briefs in this IPR and in co-pending IPR2020-01317 addressing Patent Owner Novartis’s<sup>1</sup> 35 U.S.C. §§ 314(a) and 325(d) arguments in its Patent Owner Preliminary Responses. *See* Paper 14. On November 20, 2020, Regeneron requested permission from the Board to file a motion to terminate this proceeding (IPR2020-01318). The Board granted Regeneron’s request on November 24, 2020, and Regeneron’s unopposed motion to terminate is due by December 8, 2020.

In light of Regeneron’s expected filing of an unopposed motion to terminate, and although it does not agree with Novartis’s §§ 314(a) and 325(d) arguments, Regeneron does not substantively respond to those arguments herein. Regeneron instead respectfully submits that the Board may preserve its resources and terminate this IPR pursuant to Regeneron’s anticipated motion without addressing the merits of either the petition or Novartis’s §§ 314(a) and 325(d) arguments. *See* 37 C.F.R. §§ 42.71(a), 42.72.

---

<sup>1</sup> Novartis Pharma AG, Novartis Technology LLC, and Novartis Pharmaceuticals Corporation.

Regeneron represents that it is concurrently filing a Reply Brief in pending IPR2020-01317 that substantively responds to the §§ 314(a) and 325(d) arguments that Novartis raised in that proceeding.

Dated: November 25, 2020

Respectfully submitted,

/Elizabeth S. Weiswasser/

Elizabeth S. Weiswasser (Reg. No. 55,721)

Anish R. Desai (Reg. No. 73,760)

Natalie Kennedy (Reg. No. 68,511)

Andrew Gesior (Reg. No. 76,588)

WEIL, GOTSHAL & MANGES LLP

767 Fifth Avenue

New York, NY 10153

T: 212-310-8000

F: 212-310-8007

E: REGN.IPR.Service@weil.com

Brian E. Ferguson (Reg. No. 36,801)

Christopher Pepe (Reg. No. 73,851)

WEIL, GOTSHAL & MANGES LLP

2001 M Street NW, Suite 600

Washington, DC 20036

T: 202-682-7000

F: 202-857-0940

E: REGN.IPR.Service@weil.com

**CERTIFICATE OF SERVICE**

I hereby certify that on November 25, 2020, copies of the foregoing PETITIONER'S REPLY REGARDING 35 U.S.C. §§ 314(a), 325(d) was served via electronic mail, as agreed to by counsel, upon the following counsel of record for the Patent Owner:

<p>Elizabeth J. Holland (Reg. No. 47,657)  Linnea Cipriano (Reg. No. 67,729)  Goodwin Procter LLP  620 Eighth Avenue  New York, NY 10018  Phone: (212) 813-8800  Fax: (212) 355-3333  <a href="mailto:EHolland@goodwinlaw.com">EHolland@goodwinlaw.com</a>  <a href="mailto:LCipriano@goodwinlaw.com">LCipriano@goodwinlaw.com</a>  <a href="mailto:DG-NovartisPFS@goodwinlaw.com">DG-NovartisPFS@goodwinlaw.com</a></p> <p>William G. James (Reg. No. 55,931)  Goodwin Procter LLP  1900 N Street, N.W.  Washington, D.C. 20036  Phone: (202) 346-4000  Fax: (202) 346-4444  <a href="mailto:WJames@goodwinlaw.com">WJames@goodwinlaw.com</a></p>	<p>Joshua Weinger (Reg. No. 73,198)  Goodwin Procter LLP  100 Northern Avenue  Boston, MA 02210  Phone: (617) 570-1000  Fax: (617) 523-1231  <a href="mailto:JWeinger@goodwinlaw.com">JWeinger@goodwinlaw.com</a></p>
--	---

/Brian E. Ferguson /

Brian E. Ferguson (Reg. No. 36,801)  
WEIL, GOTSHAL & MANGES LLP  
2001 M Street NW, Suite 600  
Washington, DC 20036  
T: 202-682-7000  
brian.ferguson@weil.com