

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

MYLAN PHARMACEUTICALS, INC.,)

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Petitioner;)

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-vs-)

Case IPR2021-00881

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Pat. No. 9,254,338 B2

REGENERON PHARMACEUTICALS, INC))

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Patent Owner.)

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REPORT OF PROCEEDINGS from the

Teleconference taken by Paul W. O'Connor, a CSR within
and for the State of Illinois, pursuant to the
provisions of the Federal Code of Civil Procedure and
Rules of the United State Patent and Trademark Office,
commencing at 12:30 p.m. on September 8, 2021.



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WITNESS

PAGE

None

EXHIBITS :

None

OTHER :

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1 JUDGE NEW: Please identify yourselves.

2 MR. SALMEN: Yes, your Honor. My name is Heinz
3 Salmen from the law firm Rakoczy Molino Mazzochi Siwik on
4 behalf of Petitioner Mylan Pharmaceuticals, Inc. With me
5 on the call is Neil McLaughlin also from the Rakoczy
6 firm.

7 JUDGE NEW: Thank you. Welcome, Mr. Salmen.

8 MR. SALMEN: Thank you, your Honor.

9 MS. FISHMAN: This is Deborah Fishman of the law
10 firm Arnold & Porter on behalf of patent owner Regeneron.
11 And with me today on the call are my colleagues Amanda
12 Antons and Alice Ho, also of the Arnold & Porter firm.

13 JUDGE NEW: Thank you very much. Do either party
14 have a court reporter.

15 I believe we have three items to talk
16 about today on our agenda according to the e-mail we
17 received. The very first one concerns the -- there
18 doesn't seem to be much dispute between the parties on
19 this one. Particularly in light of the view, in view of
20 the fact patent owner has confirmed it will not oppose
21 Petitioner's motion to update its mandatory notice if
22 needed. Do I understand that correctly?

23 MR. SALMEN: Yes.

24 MS. FISHMAN: Yep.

1 JUDGE NEW: So there's no issue there for us to
2 resolve. With respect to the second issue, that is with
3 respect to the word counts in the petition and in the
4 preliminary response, because the word count is
5 prescribed by 35 USC 324, I don't know that the parties
6 can actually stipulate to increasing that so what I'd
7 like to do is solicit from you now a request that you
8 both be allowed to extend your briefs by the word count
9 set forth in the e-mail, that is to say 128 words for the
10 patent owner and I'm sorry, 128 words for the patent
11 owner and 137 words in the patent owner response, and
12 that's in 880 and 881.

13 Would patent owner care to make a request
14 to that effect?

15 MS. FISHMAN: Certainly your Honor. In lieu of
16 seeking dismissal, patent owner would request an
17 additional 128 words in the 881 IPR for its POR should it
18 be instituted. And an additional 137 words in the 880
19 IPR for its POR should that IPR be instituted.

20 JUDGE NEW: Is there any objection to that on the
21 part of Petitioner?

22 MR. SALMEN: Your Honor, I have no objection on
23 behalf of Petitioner. However, I believe patent owner
24 may have gotten the word number reversed.

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