

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MYLAN PHARMACEUTICALS INC.,  
Petitioner

v.

REGENERON PHARMACEUTICALS, INC.,  
Patent Owner

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Case IPR2021-00881  
Patent 9,254,338 B2

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**PETITIONER'S IDENTIFICATION OF STATEMENTS SUPPORTED BY  
OBJECTED TO REFERENCES IN PATENT OWNER RESPONSES**

In accordance with the Board’s order during the teleconference held on February 23, 2022, Petitioner hereby submits this chart to identify statements in Patent Owner’s Responses supported by references that Petitioner objects to for non-compliance with 37 CFR § 42.6(a)(3) and/or 37 CFR § 42.24(b)(2). (Ex. 1100, Transcript of Teleconference Proceedings held on February 23, 2022, at 16:22-19:1).

Statement Location	Objected to References (37 CFR § 42.6(a)(3))	Word Count of Objected to References (37 CFR § 42.24(b)(2))
IPR2021-00881 Patent No. 9,254,338: <ul style="list-style-type: none"> <li>• Paper 40, Patent Owner Response, filed February 11, 2022 (“POR”).</li> <li>• Section VIII.B. (Paper 40 at 58-62, entitled “Objective Evidence Confirms the Non-Obviousness of the Claimed Dosing Regimen”).</li> </ul>	Ex.2051, Do Declaration ¶¶98-133, 135-170	Ex.2051, ¶¶98-133 and 135-170 account for 6071 additional words.
IPR2021-00881 Patent No. 9,254,338: <ul style="list-style-type: none"> <li>• Paper 40, POR.</li> <li>• Section I. (Paper 40 at 1-3, entitled “Introduction”).</li> </ul>	Ex.2052, Manning Declaration ¶¶29-42	Ex.2052, ¶¶29-42 account for 2436 additional words; Ex.2052, ¶¶29-42 further cite 12 pages of appendices and 385 pages of exhibits.

Statement Location	Objected to References (37 CFR § 42.6(a)(3))	Word Count of Objected to References (37 CFR § 42.24(b)(2))
IPR2021-00881 Patent No. 9,254,338: <ul style="list-style-type: none"> <li>• Paper 40, POR</li> <li>• Section VIII.B. (Paper 40 at 58-62, entitled “Objective Evidence Confirms the Non-Obviousness of the Claimed Dosing Regimen”).</li> </ul>	Ex.2052, Manning Declaration ¶¶48-117	Ex.2052, ¶¶48-117 account for 12,500 additional words  Ex.2052, ¶¶48-117 further cite 138 pages of appendices and 27,861 pages of exhibits.
IPR2021-00881 Patent No. 9,254,338: <ul style="list-style-type: none"> <li>• Paper 40, POR, filed February 11, 2022.</li> <li>• Section VIII.B. (Paper 40 at 58-62, entitled “Objective Evidence Confirms the Non-Obviousness of the Claimed Dosing Regimen”).</li> </ul>	Ex.2050, Brown Declaration ¶¶150-181	Ex.2050, ¶¶150-181 account for 2,757 additional words.

Statement Location	Objected to References (37 CFR § 42.6(a)(3))	Word Count of Objected to References (37 CFR § 42.24(b)(2))
<p>IPR2021-00880 Patent No. 9,669,069:</p> <ul style="list-style-type: none"> <li>• Paper 39, POR.</li> <li>• Section IV. (Paper 39 at 7-9, entitled “Claim Construction”).</li> </ul>	<p>CLAIM CONSTRUCTION</p> <p>Patent Owner states that it “does not advance claim construction positions” in this matter, IPR2021-00880. (IPR2021-00880, Paper 39 at 8).</p> <p>In footnote, Patent Owner states that “if the Board decides to construe ‘method of treating’ or ‘tertiary dose’ in this IPR,” then the Board should do so consistent with Patent Owner’s arguments set forth in its POR for IPR2021-00881. (IPR2021-00880, Paper 39 at 8, fn. 5).</p>	<p>Patent Owner’s Claim Construction arguments for IPR2021-00881 are found on pages 7-24 (Section IV) of its POR. (IPR2021-00881, Paper 40 at 7-24).</p> <p>PO’s objected to reference accounts for 4222 additional words.</p>

Dated: February 28, 2022

Respectfully Submitted,

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