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Subject: IPR2023-00884
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Counsel,

From the Board –

It has come to the Board’s attention that the parties have yet to report to the Board recent developments, at both the district and appellate court levels, in the related district court litigation, *Regeneron Pharmaceuticals, Inc. v. Mylan Pharmaceuticals Inc.*, No. 1:22-cv-00061 (ND WV) (Paper 2 at 9; Paper 3 at 2). At a conference call between the parties and Panel several months ago, the parties were instructed to update the Board with respect to this related matter. To this, the parties’ response was that a public version of the Court’s final decision was expected and would be provided, and also that any decision would be expeditiously appealed (at least) with respect to the stipulated judgment in that Court as there were material disagreements on claim construction matters.

The parties are instructed to provide the Board with an update. Provide a joint summary of the status of this related matter; file as an exhibit the decision of the District Court, if one has been entered deciding the validity of the patent challenged in this proceeding; and, if warranted, file updated mandatory notices, identifying what is updated.

We note that Patent Owner’s exhibits in this proceeding (242 in total) have been filed without descriptive document names other than reiterating the exhibit number and whether the exhibit is confidential or redacted. This is not helpful to the Board and is not preferred. Any exhibit filed in this matter should include a very brief descriptive document name (Petitioner has done so) to aid the Board in navigating the record.

Regards,

Esther Goldschlager
Supervisory Paralegal Specialist
Patent Trial & Appeal Board
U.S. Patent & Trademark Office