

IPR2024-00107
U.S. Patent 10,335,462

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SUN PHARMACEUTICAL LTD AND
SUN PHARMACEUTICAL INDUSTRIES, INC.,
Petitioners

v.

NOVO NORDISK A/S,
Patent Owner

Case IPR2024-00107
Patent 10,335,462

**JOINT STIPULATION REGARDING PETITIONERS'
MOTION FOR JOINDER**

Pursuant to the Board's authorization on November 21, 2023, Patent Owner Novo Nordisk A/S ("Novo") and Petitioners Sun Pharmaceutical Industries Ltd. and Sun Pharmaceutical Industries, Inc. (collectively "Sun Pharmaceutical") submit the following stipulation regarding Sun Pharmaceutical's Motion for Joinder (Paper 2) in lieu of Novo filing an opposition to that motion. Novo intends to file a Patent Owner Preliminary Response, and Novo's agreement not to oppose joinder is contingent on institution of this proceeding, which Novo opposes.

Regarding joinder, the parties have agreed as follows:

- In the event Sun Pharmaceutical's Petition is instituted, only Sun Pharmaceutical will be joined to *Mylan Pharmaceuticals, Inc. v. Novo Nordisk, A/S*, IPR2023-00724 ("the Mylan IPR"). Sun Pharmaceutical's Petition and related papers will not be joined or added as part of institution.
- In the event (1) Sun Pharmaceutical's Petition is instituted, (2) Sun Pharmaceutical is joined to the Mylan IPR, and (3) Mylan is terminated before Novo has had the opportunity to depose an expert for which Mylan filed a corresponding expert declaration (and within the time period for the taking the corresponding deposition), the

parties¹ will meet and confer as to (1) depositions, (2) whether any substitute expert(s) will be needed and/or deposed on the already-filed expert declaration(s) or whether the expert declaration(s) themselves will be expunged and replaced by the declaration(s) filed with one (and only one) of the copycat petitions, and (3) what sort of adjustment to the schedule, if any, is needed. Having met and conferred, the parties will then request a call with the Board regarding these issues.

- Unless Mylan is terminated, Sun Pharmaceutical will serve in the silent understudy role. In the event that both (1) Sun Pharmaceutical's Petition is instituted and Sun Pharmaceutical is joined to the Mylan IPR and (2) *Dr. Reddy's Laboratories, Inc. and Dr. Reddy's Laboratories Ltd. v. Novo Nordisk, A/S*, IPR2024-00009 ("the Dr. Reddy's IPR") is instituted and the Dr. Reddy's IPR Petitioners are joined to the Mylan IPR, only one of the joined Petitioners should take the lead role, and the other should assume the understudy role.

¹ If Mylan is terminated any meet and confer will be with the party that takes the lead role.

- Sun Pharmaceutical shall not be permitted to raise any new grounds not instituted by the Board in the Mylan IPR, or introduce any argument not already introduced by Mylan.
- With regard to the taking of testimony, Sun Pharmaceutical will abide by 37 C.F.R. §42.53 and any agreement between the Patent Owner and Mylan.

Respectfully submitted,

Dated: November 28, 2023

By: /Megan Raymond/

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of JOINT STIPULATION REGARDING PETITIONERS' MOTION FOR JOINDER has been served in its entirety on November 28, 2023, by causing the aforementioned document to be electronically mailed to the following attorneys of record for the Petitioner listed below.

Petitioner's Counsel of Record:

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Dated: November 28, 2023

Respectfully submitted,

By: /Sayem Osman/
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