

From: Deborah Sterling <DSTERLING@sternekessler.com>
Sent: Friday, September 06, 2019 8:10 PM
To: Daniel Wiesner
Cc: Olga A. Partington; Nick Cerrito; Eric Stops; John Galanek; Frank Calvosa
Subject: RE: PGR2019-00048

[EXTERNAL EMAIL]

Dan,

To take one (non-exclusive) example, Corcept states at page 7 of its POPR that “[t]he district court litigation is . . . currently progressing toward (1) a *Markman* hearing in January 2020 and (2) a trial in the summer of 2020.” There is no *Markman* hearing scheduled, and the schedule for which Corcept has advocated would not allow the case to reach trial by the summer of 2020.

Teva does not agree not to launch its ANDA Product at-risk pending the issuance of the district court’s decision.

Please let us know by Monday morning at 10 AM ET if you oppose Teva’s request. Please also let us know whether Patent Owner will seek a sur-reply should the Board grant Teva’s request, and, if so, the basis for so doing.

Thanks,
Deborah

Deborah Sterling, Ph.D.
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From: Daniel Wiesner [mailto:danielwiesner@quinnemanuel.com]
Sent: Friday, September 06, 2019 2:41 PM
To: Deborah Sterling
Cc: Olga A. Partington; Nick Cerrito; Eric Stops; John Galanek; Frank Calvosa
Subject: RE: PGR2019-00048

Deborah,

Please identify the “various inaccuracies concerning the trial schedule” to which you are referring. As Corcept explained in its Preliminary Response, it expects the district court to issue a decision prior to August 2020, whether after trial or, at a minimum, after a preliminary injunction hearing. The only way this expectation will not come to pass is if: (1) the district court indicates that it will not be able to issue a decision before the 30-month stay expires, **and** (2) Teva agrees not to launch its ANDA Product at-risk while the district court decision is pending, thereby obviating the need for preliminary injunction proceedings.

Therefore, in order for Corcept to determine whether it will oppose Teva's request and whether it will seek a sur-reply, please let us know whether Teva in fact agrees not to launch its ANDA Product at-risk pending the issuance of the district court's decision.

Regards,
Dan

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From: Deborah Sterling [<mailto:DSTERLING@sternekessler.com>]
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Subject: PGR2019-00048

[EXTERNAL EMAIL]

Counsel,

Teva intends to contact the Board on Monday, September 9, to seek authorization to file a Reply to Corcept's Preliminary Patent Owner Response to address certain representations in Corcept's POPR concerning the schedule of the concurrent litigation on the '214 patent. Good cause exists for this request because Corcept's POPR contains various inaccuracies concerning the trial schedule and Teva could not have foreseen these inaccuracies when it filed its Petition.

Please let us know by Monday morning at 10 AM ET if you oppose this request and whether Patent Owner will seek a sur-reply should the Board grant Teva's request.

Please also let us know your availability for a call with the Board on September 12 and 13.

We can be available for a meet-and-confer today or Friday, if you believe necessary.

Regards,
Deborah



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