

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC., MYLAN LABORATORIES LIMITED,
ALEMBIC PHARMACEUTICALS LIMITED, TORRENT
PHARMACEUTICALS LIMITED, AND AMERIGEN PHARMACEUTICALS
LIMITED

Petitioner,

v.

UCB PHARMA GMBH

Patent Owner.

Patent No. 6,858,650
Case IPR2016-00510

**PETITIONER MYLAN PHARMACEUTICALS INC. AND MYLAN
LABORATORIES LIMITED'S RESPONSE TO PAPER NO. 41
REGARDING LEAD COUNSEL AND ARGUMENT**

Petitioner Mylan Pharmaceuticals Inc. and Mylan Laboratories Limited (jointly “Mylan”)¹ submits the following in Response to the Board’s Inquiry regarding lead counsel and oral argument. Paper 41. On Friday, March 31, 2017, Back-Up Counsel Clay Holloway submitted copies of the demonstratives in the five IPRs set for hearing on April 5, 2017. Mr. Holloway also informed the Board that Lead Counsel, Mitchell Stockwell, would be unable to attend the hearing. Given the deadline for initiating a conference regarding whether Lead Counsel would be able to attend the hearing was set for today, April 3, 2017, Mr. Holloway intended Friday’s notice to comply with that requirement. A request for a phone conference should have been made, and Petitioner apologizes for that oversight.

If the Board desires a phone conference in advance of the April 5 hearing, counsel for Petitioner is available at any time and will make all necessary arrangements for that conference call.

In response to the Board’s questions, Petitioner submits the following:

a) Until March 24, 2017, Mr. Stockwell, Lead Counsel, planned to accompany Mr. Holloway, who would present argument on behalf of Petitioner, to the April 5 hearing. On March 24, 2017, Mr. Stockwell learned that his daughter

¹ Petitioner Alembic Pharmaceuticals Limited from IPR2016-01596, Torrent Pharmaceuticals Limited from IPR2016-01636, and Amerigen Pharmaceuticals Limited from IPR2016-01665 have been joined as Petitioner to this proceedings.

had been selected and invited to participate in a competitive gymnastics event that would require him to again travel on the eve of his April 1 return from depositions in Ireland. Her invitation and participation in the competition scheduled for the week of April 3, while a possibility, was an unforeseen addition to Mr. Stockwell's calendar.

b) As the Board's Trial Hearing Order permits any counsel of record to make the hearing argument (Paper 38, 4), and the plan was for Mr. Holloway to argue and Mr. Stockwell to attend the hearing, Petitioner did not foresee the need to switch Lead Counsel designation from Mr. Stockwell to Mr. Holloway. If this change is preferred by the Board, Petitioner does not object to the replacement of Mr. Stockwell with Mr. Holloway. As noted in Paper No. 41, Mr. Holloway has been involved in this case since the preparation and filing of the petitions, through the replies, and associated filings, and has worked alongside Mr. Stockwell in the related district court litigation.

Again, Petitioner respectfully apologizes for any inconvenience in the manner in which Petitioner brought this matter to the Board's attention.

Date: April 3, 2017

By: /s/ Mitchell G. Stockwell
Mitchell G. Stockwell
Registration No. 39,389
Lead Counsel for Petitioner

<p><u>Lead Counsel</u> Mitchell G. Stockwell Reg. No. 39,389 mstockwell@kilpatricktownsend.com Kilpatrick Townsend & Stockton LLP 1100 Peachtree Street, NE Suite 2800 Atlanta, Georgia 30309 (404) 815 6500</p>	<p><u>Back-Up Counsel</u> D. Clay Holloway Reg. No. 58,011 cholloway@kilpatricktownsend.com Kilpatrick Townsend & Stockton LLP 1100 Peachtree Street, NE Suite 2800 Atlanta, Georgia 30309 (404) 815 6500</p> <p>Alyson L. Wooten Reg. No. 58,045 awooten@kilpatricktownsend.com Kilpatrick Townsend & Stockton LLP 1100 Peachtree Street, NE Suite 2800 Atlanta, Georgia 30309 (404) 815 6500</p>
---	--

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of **PETITIONER MYLAN PHARMACEUTICALS INC. AND MYLAN LABORATORIES LIMITED'S RESPONSE TO PAPER NO. 41 REGARDING LEAD COUNSEL AND ARGUMENT** was served on April 3, 2017, by filing this document through the Patent Trial and Appeal Board End to End system, as well as delivering a copy via electronic mail upon the following attorneys of record:

Jeffrey Ginsberg
Kenyon & Kenyon LLP
One Broadway
New York, New York 10004-1007

with a courtesy copy to counsel for Pfizer Inc. and UCB Pharma GMBH, Plaintiffs in the underlying litigation as follows:

Jack Blumenfeld
Morris, Nichols, Arsht & Tunnell LLP
1201 North Market Street
Wilmington DE 19899
Dimitrios T. Drivas
Jeffrey J. Oelke
James S. Trainor, Jr.
Ryan P. Johnson
Robert Counihan
WHITE & CASE LLP
1155 Avenue of the Americas
New York, NY 10036

Dated: April 3, 2017

By: /s/ Mitchell G. Stockwell
Registration No. 39,389
Counsel for Petitioner