

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.
Petitioner,

v.

SANOFI-AVENTIS DEUTSCHLAND GMBH
Patent Owner.

Case IPR2017-01526 (Patent 7,476,652)
Case IPR2017-01528 (Patent 7,713,930)

Record of Oral Hearing
Held September 6, 2018

Before ERICA A. FRANKLIN, ROBERT A. POLLOCK, and
MICHELLE N. ANKENBRAND, *Administrative Patent Judges*.

Case IPR2017-01526 (Patent 7,476,652)

Case IPR2017-01528 (Patent 7,713,930)

APPEARANCES

ON BEHALF OF THE PETITIONER:

DOUGLAS H. CARSTEN, ESQUIRE

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REPRESENTATIVE: Tom Jenkins and Matt Mylan

ON BEHALF OF THE PATENT OWNER:

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The above-entitled matter came on for hearing on September 6, 2018, commencing at 10:10 a.m., at the U.S. Patent and Trademark Office Madison Building, 600 Dulany Street, Alexandria, Virginia, 22314.

Case IPR2017-01526 (Patent 7,476,652)

Case IPR2017-01528 (Patent 7,713,930)

1 (Proceedings begin at 10:10 a.m.)

2 JUDGE ANKENBRAND: Good morning, everyone. Today is
3 our final hearing in IPR2017-10526 and IPR2017-01528 between
4 petitioner Mylan Pharmaceuticals Inc. and patent owner
5 Sanofi-Aventis Deutschland GmbH.

6 I'm Judge Ankenbrand. I'm joined today by Judge
7 Franklin on my right and Judge Pollock on my left.

8 Counsel, can you please introduce yourselves and let
9 us know who will be making the argument today? We'll start
10 with petitioner Mylan.

11 MR. CARSTEN: Good morning. My name is Doug Carsten
12 from Wilson Sonsini, and I'll be presenting the argument.

13 Also with me is lead counsel Jeff Guise, Rick
14 Torczon, and Ellie Steiner. And we also have representatives
15 from Mylan Pharmaceuticals Inc. here, Tom Jenkins and Matt
16 (indiscernable)

17 .

18 JUDGE ANKENBRAND: Thank you, Mr. Carsten, and good
19 morning.

20 And how about for patent owner? Who do we have
21 today?

22 MR. DESAI: Good morning, Your Honors. Anish Desai
23 here for patent owner. And with me is also lead counsel
24 Elizabeth Weiswasser, and patent counsel Andrew Iskin (phonetic).

25 JUDGE ANKENBRAND: Okay.

1 MR. DESAI: We also have a client representative
2 here, Stephanie Donahue.

3 JUDGE ANKENBRAND: Good morning to you.

4 Welcome, everyone. It's good to have you here
5 today. We appreciate everyone making the effort to be here
6 for the hearing, especially those coming from the West Coast.
7 It's quite early.

8 We set forth a procedure for today's hearing in our
9 trial order. Just to remind everyone, each party's going to
10 have 60 minutes of total time to present arguments.

11 Petitioner has the burden of showing unpatentability
12 and petitioner will go first, and then after that, Mr. Desai
13 will proceed for patent owner.

14 Mr. Carsten, would you like to reserve any time for
15 rebuttal?

16 MR. CARSTEN: Yes, Judge Ankenbrand. I'd like to
17 reserve 20 minutes for rebuttal.

18 JUDGE ANKENBRAND: Okay. During your presentations,
19 please remember to identify any demonstrative exhibits by
20 reference -- or that you reference by either slide or screen
21 number. This will help ensure the clarity and accuracy of
22 our transcript.

23 One reminder. Objections should be made during your
24 own argument time, not during opposing counsel's argument
25 time, with one caveat: If anyone begins to discuss

1 information that is covered by the motions to seal and
2 proposed protective order, any counsel can stand up and alert
3 us to that, and we'll have to have a conversation about
4 whether we need to continue down that road or whether we need
5 to send some people out of the room that are not privy to
6 that information. But we can cross that bridge if we come to
7 it.

8 I'll try to give each counsel a warning when you're
9 reaching the end of your argument time. Sometimes I forget
10 to do that. But the numbers will be on the screen behind
11 me, and there's also some lights that will tell you when
12 you're entering -- getting close to the end, and then when
13 you should finish your argument.

14 The last thing I want to remind the parties is that
15 the hearing is open to the public, and a full transcript of
16 the hearing will be made part of the record.

17 I think with that, we're ready to begin. So I'll
18 just set the clock, and then you can start.

19 I'll start the clock whenever you're ready.

20 MR. CARSTEN: I'm ready. Thank you.

21 Good morning, and may it please the Board. My name
22 is Doug Carsten, and I'm presenting on behalf of Mylan
23 Pharmaceuticals Inc., the petitioner in two IPRs, these IPRs
24 relating to two patents that block legitimate market
25 competition and allows Sanofi to reap billions out of U.S.

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