

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.,
Petitioner,

v.

MERCK SHARP & DOHME CORP.,
Patent Owner.

Case No. IPR2020-00040
U.S. Patent No. 7,326,708

**JOINT NOTICE OF STIPULATION TO ADJUST SCHEDULE AND
[PROPOSED] ORDER**

TGM

Pursuant to the email from the Board on June 9, 2020, in which the Board instructed the Parties to file a stipulation and proposed order to memorialize requested changes to the Scheduling Order, Patent Owner Merck Sharp & Dohme Corp. and Petitioner Mylan Pharmaceuticals Inc. hereby notify the Board that they have stipulated to the requested changes to the Scheduling Order set forth below. The Parties note that the following adjusted schedule only reflects stipulated changes to the portion of Due Date 2 related to Petitioner's opposition to a motion to amend and the portion of Due Date 3 related to Patent Owner's reply to an opposition to a motion to amend. The remaining dates remain unchanged. In the Board's email dated June 9, 2020, the Board preliminarily approved the following changes to the schedule:

Due Date No.	Current Due Date¹	Stipulated Due Date
Due Date 1	August 14, 2020	unchanged
Due Date 2(a) ²	October 28, 2020	November 6, 2020
Due Date 2(b) ³	November 6, 2020	unchanged
Due Date 3(a) ⁴	December 9, 2020	December 18, 2020

¹ The Current Due Dates column reflects the changes previously stipulated to by the Parties (Paper 30) for Due Dates 1, 2(b) and 3(b) pursuant to the authorization provided in the Scheduling Order (Paper 22, at 7).

² Due Date 2(a) refers to the portion of Due Date 2 related to Petitioner's opposition to a motion to amend.

³ Due Date 2(b) refers to the portion of Due Date 2 related to Petitioner's reply.

Due Date 3(b) ⁵	December 18, 2020	unchanged
Due Date 4	December 30, 2020	unchanged
Due Date 5	January 20, 2021	unchanged
Due Date 6	January 27, 2021	unchanged
Due Date 7	February 3, 2021	unchanged
Due Date 8	February 11, 2021	unchanged

Date: June 12, 2020

Respectfully submitted,

/Stanley E. Fisher/

Stanley E. Fisher (Reg. No. 55,820)
Bruce R. Genderson (*Pro Hac Vice*)
Jessamyn S. Berniker (Reg. No. 72,328)
Alexander S. Zolan (*Pro Hac Vice*)
Elise M. Baumgarten (*Pro Hac Vice*)
Shaun P. Mahaffy (Reg. No. 75,534)
Anthony H. Sheh (Reg. No. 70,576)
WILLIAMS & CONNOLLY LLP
725 Twelfth Street, N.W.
Washington, DC 20005
T: (202) 434-5000
F: (202) 434-5029
sfisher@wc.com
bgenderson@wc.com
jberniker@wc.com
azolan@wc.com
ebaumgarten@wc.com
smahaffy@wc.com
asheh@wc.com

⁴ Due Date 3(a) refers to the portion of Due Date 3 related to Patent Owner's reply to an opposition to a motion to amend.

⁵ Due Date 3(b) refers to the portion of Due Date 3 related to Patent Owner's sur-reply.

Counsel for Patent Owner
Merck Sharp & Dohme Corp.

/Jitendra Malik/

Jitendra Malik, Ph.D. (Reg. No. 55,823)

Alissa M. Pacchioli (Reg. No. 74,252)

Christopher D. West, Ph.D. (Reg. No.
74,724)

Heike S. Radeke, Ph.D. (Reg. No.
75,394)

KATTEN MUCHIN ROSENMAN

550 S. Tryon Street, Suite 2900

Charlotte, NC 28202-4213

jitty.malik@kattenlaw.com

alissa.pacchioli@katten.com

christopher.west@katten.com

heike.radeke@katten.com

Counsel for Petitioner

Mylan Pharmaceuticals Inc

Counsel for Petitioner

Mylan Pharmaceuticals Inc.

~~[Proposed]~~ ORDER
76m
Conduct of the Proceeding

Pursuant to an agreement and stipulation between the parties, and further to the email from the Board on June 9, 2020, in which the Board instructed the parties to file a stipulation and proposed order to memorialize the aforementioned agreement, the Board is aware that the parties have stipulated to the following changes to the Scheduling Order:

Due Date No.	Current Due Date¹	Stipulated Due Date
Due Date 1	August 14, 2020	unchanged
Due Date 2(a) ²	October 28, 2020	November 6, 2020
Due Date 2(b) ³	November 6, 2020	unchanged
Due Date 3(a) ⁴	December 9, 2020	December 18, 2020
Due Date 3(b) ⁵⁶	December 18, 2020	unchanged
Due Date 4	December 30, 2020	unchanged
Due Date 5	January 20, 2021	unchanged

¹ The Current Due Dates column reflects the changes previously stipulated to by the Parties (Paper 30) for Due Dates 1, 2(b) and 3(b) pursuant to the authorization provided in the Scheduling Order (Paper 22, at 7).

² Due Date 2(a) refers to the portion of Due Date 2 related to Petitioner's opposition to a motion to amend.

³ Due Date 2(b) refers to the portion of Due Date 2 related to Petitioner's reply.

⁴ Due Date 3(a) refers to the portion of Due Date 3 related to Patent Owner's reply to an opposition to a motion to amend.

⁵ Due Date 3(b) refers to the portion of Due Date 3 related to Patent Owner's sur-reply.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.