

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC., DR. REDDY'S LABORATORIES, INC.,
DR. REDDY'S LABORATORIES, LTD., SUN PHARMACEUTICAL
INDUSTRIES LTD., AND SUN PHARMACEUTICAL INDUSTRIES, INC.

Petitioner,

v.

NOVO NORDISK A/S,

Patent Owner.

Case No. IPR2023-00724¹

Patent No. 10,335,462

**MYLAN'S OPPOSITION TO PATENT OWNER'S
MOTION FOR SANCTIONS**

¹ IPR2024-00009 (Dr. Reddy's Laboratories) and IPR2024-00107 (Sun Pharmaceutical Industries) have been joined with this proceeding.

TABLE OF CONTENTS

A.	The two proceedings, and response to PO’s “Factual Background”	2
B.	ARGUMENT.....	9
1.	Sanctions would be unprecedented and are unwarranted.....	9
2.	Neither PO nor the PTO has suffered harm.	12
3.	PO’s requested sanctions are wildly disproportionate.	15

TABLE OF AUTHORITIES

CASES

<i>Apple Inc. v. Maxell, Ltd.</i> , IPR2020-00204, Paper 21, 9-10 (PTAB Dec. 15, 2020).....	11
<i>Apple Inc. v. Vidal</i> , Fed. Cir. No. 2024-1864	3
<i>Fort James Corp. v. Solo Cup Co.</i> , 412 F.3d 1340 (Fed. Cir. 2005)	10
<i>Google LLC v. Hafeman</i> , IPR2022-01188, Paper 31, 29-31 (PTAB Dec. 7, 2023).....	10
<i>Google LLC v. Hafeman</i> , IPR2022-01188, EX3001 (PTAB Mar. 20, 2023).....	11
<i>Lightspeed Com. Inc. v. Cloudfchange, LLC</i> , IPR2022-00779, Paper 28 (PTAB July 25, 2023).....	10
<i>Parse Biosciences, Inc. v. 10x Genomics, Inc.</i> , IPR2023-00955, Paper 22, 2 (PTAB July 3, 2024).....	5
<i>Reckitt Benckiser Pharms. Inc. v. Watson Laby’s, Inc.</i> , No. 13-1674, 2015 WL 6456551 (D. Del. Oct. 26, 2015).....	7
<i>Samsung Elecs. Co. v. Netlist, Inc.</i> , IPR2022-00639, Paper 26 (PTAB Jan. 18, 2023)	11
<i>Samsung Electronics America Inc. v. RFCyber Corp.</i> , IPR2021-00980, Paper 11, 17-18 (PTAB Dec. 15, 2021).....	12
<i>Sand Revolution II, LLC v. Cont’l Intermodal Grp.–Trucking LLC</i> , IPR2019-01393, Paper 24, 12 (PTAB June 16, 2020)	3, 6, 11, 12
<i>Sotera Wireless, Inc. v. Masimo Corp.</i> , IPR2020-01019, Paper 12, 19 (PTAB Dec. 1, 2020)	passim

STATUTES

35 U.S.C. § 315(e)(2).....	16
----------------------------	----

REGULATIONS

37 C.F.R. § 42.25(b)	9
----------------------------	---

Novo Nordisk (“PO”) demands that the Board terminate this IPR—after institution, extensive discovery, and full briefing—simply because it disagrees with Mylan’s interpretation of its own stipulation. But that drastic sanction (or any sanction) is inappropriate because Mylan acted reasonably, and PO has suffered no prejudice. PO’s basic premise that Mylan did not comply with its stipulation is wrong. PO asks the Board to resolve novel questions in its favor and to conclude that Mylan’s interpretation of its stipulation was clearly unreasonable when there is no contrary Board precedent. The Board has never addressed whether “not pursue” in a *Sand Revolution*-type stipulation permits the mere preservation of positions in district court expert reports, and specifically where the stipulation includes the caveat “unless a change in law otherwise permits.” To the contrary, the Board has consistently held that disputes about district court stipulations should be raised in that tribunal and not with the Board.

Even if the Board reaches the stipulation, construes it to prohibit the preservation of grounds in expert reports, and concludes that Mylan’s interpretation was clearly unreasonable, PO is still not entitled to sanctions because it has suffered no harm—the district court has not been called on to decide any ground raised in the IPR. Nor will it: *all* defendants consolidated in the district court proceeding, including those not involved in this IPR, have now stipulated that they will not raise the

IPR grounds at trial, nor will their experts testify as to those grounds. PO feigns injury only to avoid a FWD in this IPR. Its motion is baseless and should be denied.

A. The two proceedings, and response to PO’s “Factual Background”

PO reads Mylan’s reservation of rights out of the stipulation. Despite PO’s frequent truncation, Mylan’s *Sand Revolution* stipulation states in full: “[I]f the Board institutes, Petitioner will not pursue in the district court any instituted grounds against the originally-issued claims *unless a change in law otherwise permits.*” Pet. 66 (emphasis added). The reservation of rights in the event of a change in law is significant. Since its issuance, *Fintiv* has been and remains controversial and subject to legal challenge. *See Apple Inc. v. Vidal*, Fed. Cir. No. 2024-1864 (appeal from district court decision declining to set aside the *Fintiv* rule even though it was enacted without notice-and-comment rulemaking). Despite calling Mylan’s reservation “baseless,” PO has never disputed that if there *is* a change in *Fintiv* that would allow Mylan to try the IPR grounds in the litigation, then those grounds *must* be preserved in contentions and expert reports. Absent such preservation, Mylan’s reservation of rights would be meaningless.

It bears emphasizing that in the district court, expert reports are not the expert’s direct testimony. Expert reports are not filed with the district court or admitted into evidence, and the district court judge does not read the reports. Rather, they disclose and preserve opinions the expert *may* present live at trial. Because of this,

district court reports do not ask or require the court to *do* anything, and inclusion of opinions in a district court report consumes none of the court’s time or resources.

When PO first complained in June about Mylan’s preservation of IPR grounds in its March expert reports, Mylan promptly confirmed it would not pursue the grounds via motion or at trial absent a change in law. Ex. 1328 (Mylan Ltr., June 20, 2024). Mylan also confirmed that it would not question PO’s litigation experts or prepare or defend defendants’ experts on the IPR grounds in depositions, and would not participate in preparing the pretrial order, motions *in limine*, or trial witnesses on the IPR grounds. Ex. 1329 (Mylan Ltr., July 31, 2024). But Mylan’s reservation, and its preservation of publicly-available IPR grounds in litigation contentions and expert reports, was entirely appropriate. Refusing to acknowledge Mylan’s reservation, PO simply pretends it doesn’t exist. *E.g.*, Ex. 2536, 26 (“The stipulation says they’re not going to pursue it period, any pursuit”). In fact, by preserving grounds in joint expert reports, Mylan effectuated an express part of its stipulation that PO ignores.

All defendants have stipulated not to raise the instituted grounds at trial. Pursuant to a stipulation filed in district court on August 8, *no defendant* in the district court—including Zydus and Rio—will raise the instituted grounds at trial unless the Board terminates or otherwise concludes the pending IPRs without reaching a FWD on the merits. Ex. 1326 (district court stipulation). This stipulation is like one the Board indicated would obviate termination (even if a motion to terminate was

granted for failure to comply with a *Sand Revolution*-type stipulation) in *Parse Biosciences, Inc. v. 10x Genomics, Inc.*, IPR2023-00955, Paper 22, 2 (PTAB July 3, 2024); *see also id.*, Paper 21 (Conference Call Tr.), 12:9-18:16, 23:19-24:9. The Board there called such a stipulation a “train stopping mechanism.” *Id.*, 24:14-24.

PO distorts the IPR and litigation facts. PO complains (at 5) that the litigation expert “reports Mylan served in March ... say Mylan’s experts are ***now expressly testifying for every co-defendant.***” But as PO admits (at 4), in the IPR, DRL and Sun had already “each submitted declarations from their own ***alternate experts***” agreeing with Mylan’s experts.² *E.g.*, IPR2024-00009, Ex. 1091 ¶21 (DRL expert Zusman) (“I ... hereby adopt and incorporate by reference, all of the opinions set forth in the declaration of Dr. Bantle.”). When the March litigation reports were served, DRL, Sun, Rio and Zydus were all free to assert the IPR grounds because DRL and Sun’s petitions had not been instituted, and Rio and Zydus never submitted petitions. Thus, the instituted grounds were going to be in the March litigation reports one way or another, and PO suffered no prejudice by their inclusion. While the non-Mylan defendants’ “alternate experts” could have submitted separate district court reports asserting the instituted grounds, the parties agreed to share experts. That meant PO had to respond to *three* expert reports, rather than *six* or even *nine*. That *minimized* the burden on PO in the district court, rather than increasing it.

² Other than headings, all bolded italics are PO’s.

PO also ignores the close similarity between the instituted grounds and the litigation grounds on which Mylan and other defendants are *not* estopped. In district court, the claims are challenged on the following §§102 and 103 grounds that are *not* at issue here (in addition to §112 grounds). Bantle, Jusko and Dalby are experts on those non-IPR grounds. References overlapping with IPR grounds are bolded:

- Claims 1 and 3 anticipated by **NCT657** (Bantle & Jusko)
- All asserted claims obvious over **WO421**, **NCT657**, **WO537** and/or **Lovshin**, optionally in view of '833 patent and Madsbad (Bantle, Jusko, Dalby)

As shown in bold, the non-estopped litigation grounds include many of the same references also in the IPR grounds. Because of its narrow *Sand Revolution* stipulation, Mylan can assert all the above litigation grounds. So can Zydus and Rio (who are not in the IPR). DRL and Sun, by virtue of their broader *Sotera* stipulations, are not asserting the 102/103 grounds, but are asserting the 112 grounds opined on by Bantle and Jusko. So, although PO complains (at 5) that Mylan's experts are "*testifying for every co-defendant ... for purposes of attacking PO's*" patent, it omits that it has no basis to object to most of those experts' "attacks." Likewise, when PO complains about "litigation reports ... from the same three experts Mylan hired for its IPR," or that Mylan "shared its three IPR experts," (at 2-3 (emphasis omitted)), it ignores that the experts' reports deal with grounds about which PO has no

complaint. And it is unsurprising that Mylan “actually served the three litigation reports” because they primarily address grounds *to which no estoppel applies*. *Id.*

Sharing litigation expert costs is entirely permissible. Against this backdrop, PO asserts (at 6-7) that because defendants are sharing experts and costs, Mylan is somehow asserting it “can’t, as a practical matter, follow its stipulation.” That is a strawman. Of course the litigation defendants are sharing expert costs. The experts are opining on many issues to which no estoppel applies even according to PO, including the 102/103 arguments described above (for Mylan, Zydus and Rio) and 112 arguments (for all defendants). The joint defendants need not each retain separate experts to make those arguments, not least because in Delaware joint defendants must coordinate expert discovery, Ex. 1082, 15 (“The Defendant Groups shall endeavor to coordinate their discovery efforts in this matter.”)), and the “general rule of thumb ... is that a party is not allowed to present more than one expert to say the same thing.” *Reckitt Benckiser Pharms. Inc. v. Watson Labys, Inc.*, No. 13-1674, 2015 WL 6456551, at *1 n.1 (D. Del. Oct. 26, 2015).

Earlier in these proceedings the Board considered essentially the same conduct that PO now alleges—sharing experts and related costs—and rejected all PO’s arguments. In opposing institution of Sun’s IPR, PO argued for discretionary denial because Sun “shares invalidity experts (and, presumably, the experts’ expenses) in litigation with parties who have not agreed to any estoppel” and that despite its

Sotera stipulation, Sun “*may still pursue the stipulated grounds ‘behind the scenes’ in district court.*” IPR2024-00107, Paper 12, 3, Paper 14, 1. The Board rejected PO’s arguments, emphasizing that under Director guidance, even Sun’s broader *Sotera* stipulation was not undermined by “any remaining defendants in the parallel litigation that are not subject to the stipulation or any alleged ‘behind the scenes’ participation by Petitioner such as paying for experts, participating in expert reports or deposition preparation ‘in connection with any of the stipulated grounds.’” *Id.*, Paper 16, 10. Here, PO cites no new authority prohibiting litigation expert- and cost-sharing or requiring bills for shared costs be parsed according to whether, *e.g.*, an expert was looking at an overlapping reference (such as WO421, NCT657 or Lovshin) with one ground in mind or another. The Board should again reject PO’s arguments.

PO’s delay prejudiced Mylan. Even before serving the March expert reports, the litigation defendants had already included the IPR grounds in their January 2024 invalidity contentions. Ex. 1330. But PO never complained about this overlap on which its sanctions motion is based until it abruptly sent Mylan a draft of that motion on June 10, 2024—*five months* after the contentions and nearly *three months* after the first litigation report was served. Indeed, in opposing institution of Sun’s IPR in February 2024, PO noted the litigation defendants (including Mylan) had submitted final contentions in January and that PO had responded to them on February 9, 2024. IPR 2024-00107, Paper 10, 14-15. PO made no complaint that the contentions—to

which it had already responded—included the IPR grounds. There is thus no justification for PO’s lengthy delay in raising this issue, which harmed *Mylan*. PO knew sanctions motions require a 21-day waiting period, meaning it could not request permission to file its motion until July. Ex. 1331 (noting waiting period). Had PO raised the issue by conferring with Mylan in January, or even in March (after it had responded to the contentions), the issue could have been resolved long before oral argument and without potentially delaying a FWD. 37 C.F.R. § 42.25(b) (delay in seeking relief may justify denial of relief). PO now alleges harm, but it can’t manufacture its own harm via strategic delay. Had PO raised this issue promptly in January or March, months before serving its invalidity reports and before expert depositions (which have just started), it could have avoided its alleged harm altogether.

PO attempts to force Mylan to waive work product and privilege. PO implies Mylan “*refused to answer basic questions about its conduct*” out of evasiveness, not privilege. Paper 70, 5. But PO’s “basic questions” demanded communications and drafts “between or among any litigation co-defendant and any of Mylan’s IPR experts ... relating to or reflecting any direction, instruction, or consultation of such expert(s) in connection with the parallel Delaware litigation.” Ex. 1331, 2. Those communications are protected by Fed. R. Civ. P. 26(b)(4)(B), (C). Answering such questions (or more general questions about expert interactions) could waive protection—as PO tacitly acknowledged by demanding a privilege log. *See Fort James*

Corp. v. Solo Cup Co., 412 F.3d 1340, 1349 (Fed. Cir. 2005) (waiver “extends beyond the document initially produced” and “applies to all other communications relating to the same subject matter”); Ex. 1331, 1-2. Mylan had no obligation to disclose protected communications and risk allegations of waiver, and its rejection of PO’s improper demands should not be read as the admission of guilt PO suggests.

B. ARGUMENT

1. Sanctions would be unprecedented and are unwarranted.

To Mylan’s knowledge, the Board has never ordered sanctions—much less the drastic terminating sanctions PO demands—for the alleged violation of a *Sotera* stipulation, let alone the narrower *Sand Revolution*-type stipulation involved here. *See Lightspeed Com. Inc. v. Cloudfchange, LLC*, IPR2022-00779, Paper 28 (PTAB July 25, 2023) (denying request to file sanctions motion for alleged *Sotera* stipulation violation) (“We decline Patent Owner’s invitation for us to determine how a district court should interpret stipulations before it.”); *Google LLC v. Hafeman*, IPR2022-01188, Paper 31, 29-31 (PTAB Dec. 7, 2023) (noting “there’s never been a board decision that terminated a case because of a *Sotera* stipulation”).

The Board routinely leaves interpreting the scope of stipulations to the district court. *See Google*, IPR2022-01188, EX3001 (PTAB Mar. 20, 2023) (explaining that disputes about the scope or alleged violation of *Sotera* stipulations should be addressed in the district court where they are to have effect); *Samsung Elecs. Co. v.*

Netlist, Inc., IPR2022-00639, Paper 26 (PTAB Jan. 18, 2023) (same); *Apple Inc. v. Maxell, Ltd.*, IPR2020-00204, Paper 21, 9-10 (PTAB Dec. 15, 2020) (“[T]o the extent Patent Owner believes Petitioner has violated the letter or spirit of its stipulation in the underlying litigation, Patent Owner could seek relief in the district court.”).

That makes sense because it is the district court where stipulations will have effect. Here, the parties dispute whether Mylan’s stipulation not to “pursue in the district court any instituted grounds ... unless a change in law otherwise permits” prohibited Mylan from preserving those grounds in district court expert reports. Mylan has not asked the district court to consider invalidity in view of the instituted grounds, and indeed, Mylan committed to PO that absent a change in law, Mylan would not present those grounds by motion or at trial, and would not take or defend expert depositions or participate in preparing any portions of the pretrial order, motions in limine, or trial testimony addressing them. That is fully consistent with the purpose of a *Sand Revolution* or *Sotera* stipulation as mitigating the concerns of “duplicative efforts between the district court and the Board” and “potentially conflicting decisions,” *Sand Revolution II, LLC v. Cont’l Intermodal Grp.–Trucking LLC*, IPR2019-01393, Paper 24, 12 (PTAB June 16, 2020); *Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Paper 12, 19 (PTAB Dec. 1, 2020). Nevertheless, PO represented to the Board (at 6) that Mylan is engaged in “full-bore litigation” of the instituted grounds in district court. *See also* Ex. 2536, 7 (asserting that Mylan is

“still going full bore on expert discovery and everything else” and is “the quarter-back ... of the other defendants”); *id.* at 27 (accusing Mylan of “organizing” a “gang tackle ... against Novo”). That is pure hyperbole—the only way that Mylan has used the three instituted grounds in district court is by preserving them in expert reports. That is not “full-bore litigation” or a “gang tackle,” whatever that means. Regardless, whether including a ground in an expert report falls within the scope of Mylan’s stipulation—including its reservation of rights—is best decided by the district court. And here, there is nothing left on this issue for even the district court to decide in view of the stipulation filed by all district court defendants.

PO is wrong that *Samsung Electronics America Inc. v. RFCyber Corp.*, IPR2021-00980, Paper 11, 17-18 (PTAB Dec. 15, 2021), shows Mylan’s reservation is impermissible. The petitioner there filed a *Sotera* stipulation and included a change-in-law reservation similar to Mylan’s. Despite the reservation, the Board found the stipulation weighed strongly in favor of institution. *Id.* at 17. It did so because the reservation “in reality” was unlikely to be triggered and thus did not raise concerns “about inefficiency and potentially conflicting decisions.” *Id.* at 18. So too here. Expert reports are not evidence, not filed with the court, and do not ask the court to do *anything*. They preserve theories for possible trial presentation, but Mylan has said it will not present the instituted grounds at trial. Thus, preservation of a ground in an expert report creates no inefficiencies or inconsistent decisions.

2. Neither PO nor the PTO has suffered harm.

When PO sent Mylan its draft sanctions motion in June, it alleged harm because the litigation reports used language from the IPR on the three instituted grounds that was “*verbatim or near verbatim*.” Ex. 1332, 4. Mylan asked PO how it was harmed by the “verbatim” inclusion in joint litigation reports of opinions that were available for anyone to use, including the non-estopped district court defendants. *See* Exs. 1003, 1005, 1007. Regardless of *who* mechanically copied the grounds into the litigation reports, there is no dispute that at least Rio and Zydus were entitled to assert them. PO had no meaningful answer because there is no harm. By sharing experts, the joint defendants streamlined expert discovery and increased efficiency.

Switching gears, PO now alleges harm for a different reason: the joint reports allegedly contain “refinements” in response to PO’s arguments in this IPR. Paper 70, 3-4; Ex. 2536, 29-30, 48. Yet despite having had months to identify the purported “refinements,” PO could muster only three trivial points via cryptic descriptions embedded in a string citation. Paper 70, 4. They all appear in Jusko’s report and relate to Ground 4—PO identifies no “refinements” in Bantle or Dalby’s reports or in *any* report as to Grounds 1 and 2. And PO’s three instances are not refinements at all.

PO first contends Jusko “*add[ed] REOS argument*” in ¶¶341-42 of his litigation report that was not in ¶255 of his IPR report, purportedly responding to something on page 51 of the POR. It is unclear what PO is referring to, but Jusko’s IPR

report repeatedly identifies a REOS for Ground 4, including in ¶¶251-253. Indeed, although PO contends litigation report ¶341 is new, it merely repeats verbatim the last sentence in ¶252 and the first sentence in ¶253 of the IPR report.

Next, PO contends Jusko litigation ¶350 “*add[s] data*” not found in Jusko IPR ¶262. The two paragraphs are identical but for one sentence. Neither paragraph contains “data,” except to the extent ¶350 notes that in a clinical trial one semaglutide dose (0.8mg) was tested with and without titration while another (1.6mg) was tested only with titration, a fact noted repeatedly in Jusko’s IPR report. Ex.1005 ¶¶97, 124, 259. Importantly, the POR 35, which PO says was used as a roadmap to revise ¶350, was arguing *criticality* of the 1.0 mg dose based on Jusko’s “[c]onsistent” opinion that there would be “unwanted side effects” of the 1.6mg dose. That is the same opinion Jusko offers in litigation ¶350. PO’s roadmap argument fails.

Finally, PO points to a one-sentence difference between litigation ¶349 and IPR ¶261—purportedly arising from this argument at 33-34 of the POR: “Petitioner makes much of the fact that—by some metrics—’462 showed other doses cause a ‘beneficial treatment effect’ ... [b]ut 0.1, 0.2 and 0.4 mg *did not show statistically significant improvement* over placebo in many metrics.” But the alleged “refinement” to the Jusko litigation report simply says, “these [0.1/0.2/0.4 mg] doses on the lower end of the [clinical trial] range would still provide some degree of efficacy but would be suboptimal doses.” That is not materially different from the immediately

preceding sentence in both Jusko’s IPR (§261) and litigation (§349) reports: “a [POSA] would have further understood that the lower doses, such as 0.1, 0.2, and 0.4 mg, would have been selected by Novo Nordisk to provide information about the suboptimal semaglutide doses on the dose-response curve.” And it is the same point Jusko made in §190 of his IPR report (Ex. 1005), namely, a POSA would “expect all of the once weekly doses of semaglutide tested in [the clinical trials] would exhibit some degree of efficacy.”

PO cannot predicate its purportedly termination-warranting harm on alleged “refinements,” “road-mapping,” and the “educating and arming” of codefendants with purportedly “new” arguments by relying on a convoluted *compare* string citation that, upon inspection, shows no refinements or new arguments at all.

PO’s accusation of harm to the PTO is also meritless. As explained above, Mylan’s preservation of three instituted grounds in litigation reports has caused no inefficiencies for either tribunal. Nor does it raise the specter of inconsistent decisions. On August 8, Mylan, Zydus and Rio filed a stipulation in district court confirming they will not raise the IPR grounds at trial. Ex. 1326. The stipulation also notes Sun and DRL’s previous, broader stipulations to be bound by the estoppel provisions in 35 U.S.C. § 315(e)(2). Thus, PO’s primary harm argument—that the IPR grounds “will be carried forward by the co-defendants” even after a FWD—cannot happen. Paper 70, 13. The only “gamesmanship” at work here is PO’s.

Although the litigation reports it complains about were served in March (with contentions in January), PO did nothing for months. Instead, PO waited until May when its IPR experts were deposed and it received Mylan's IPR reply declarations, and only then began preparing the sanctions motion it sent Mylan on June 10. *That* smacks of gamesmanship and an effort to delay or prevent a FWD.

3. PO's requested sanctions are wildly disproportionate.

PO requests an adverse judgment on Grounds 1, 2 & 4, or an "order precluding Petitioners from contesting the patentability of the claims" on those grounds or precluding reliance "on any evidence in support of those [g]rounds." Paper 70, 14-15. Those aren't alternatives—they would all effectively result in termination of those grounds. That sanction is grossly disproportionate to PO's alleged harm. PO argues (at 14) its draconian request is proportional because Mylan "tainted the litigation by directing, sharing, and furnishing the experts and arguments for the duplicative grounds to [the] litigation co-defendants." That is false for all the reasons discussed above. But it is also nonsensical. Mylan cannot "direct," "share" or "furnish" IPR grounds that are *publicly available* for anyone to use.

At bottom, PO is using a dispute about the scope of a stipulation as a shield to protect its invalid '462 patent and lucrative Ozempic monopoly. PO's effort to insulate the patent from scrutiny in this way is what truly disserves the patent system.

Dated: August 16, 2024

PERKINS COIE LLP
700 Thirteenth Street, N.W., Suite 800
Washington, D.C. 20005-3960
202.654.6200 (phone)
202.654.6211 (fax)

Respectfully submitted,

/Brandon M. White/

Lead Counsel

Brandon M. White, Reg No. 52,354

Attorneys for Petitioner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that I caused to be served a true and correct copy of the foregoing: Mylan's Opposition to Patent Owner's Motion for Sanctions by email to the electronic service addresses for Patent Owner and Petitioners in IPR2024-0009 and IPR2024-00107.

J. Steven Baughman
Megan Raymond
Jenny C. Wu
Michael Milea
Philip S. May
Joshua Reich
GROOMBRIDGE, WU, BAUGH-
MAN & STONE LLP
steve.baughman@groombridgewu.com
megan.raymond@groombridgewu.com
jenny.wu@groombridgewu.com
mike.milea@groombridgewu.com
philip.may@groombridgewu.com
Joshua.reich@groombridgewu.com

Novo-Semaglutide-
IPR@groombridgewu.com

Jovial Wong
Scott Border
WINSTON & STRAWN LLC
jwong@winston.com
sborder@winston.com

Brian Sodikoff
Christopher B. Ferenc
KATTEN MUCHIN ROSENMAN
LLP
brian.sodikoff@katten.com
christopher.ferenc@katten.com

Dated: August 16, 2024

PERKINS COIE LLP
700 Thirteenth Street, N.W., Suite 800
Washington, D.C. 20005-3960
202.654.6200 (phone)
202.654.6211 (fax)

/Brandon M. White/

Lead Counsel

Brandon M. White, Reg No. 52,354

Attorneys for Petitioner