

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NOVEN PHARMACEUTICALS, INC.,
Petitioner,

v.

NOVARTIS AG AND LTS LOHMANN THERAPIE-SYSTEME AG,
Patent Owner.

Case IPR2014-00549 (Patent 6,316,023 B1)
Case IPR2014-00550 (Patent 6,335,031 B1)¹

Before FRANCISCO C. PRATS, ERICA A. FRANKLIN, and
SCOTT E. KAMHOLZ, *Administrative Patent Judges*.

FRANKLIN, *Administrative Patent Judge*.

ORDER

Petitioner's Motions to Correct Petition and Exhibits
37 C.F.R. § 42.104(c); 37 C.F.R. § 42.64(b)

¹ This decision addresses issues that are identical in the two cases. We, therefore, exercise our discretion to issue one order to be filed in each case. The parties are not authorized to use this style heading for any papers without prior authorization by the Board.

IPR2014-00549 (Patent 6,316,023 B1)

IPR2014-00550 (Patent 6,335,031 B1)

By motions authorized by the Board, Petitioner moves to correct certain clerical and typographical errors in the list of exhibits included in each of its petitions for *inter partes* review (Paper 1) in IPR2014-00549 and 2014-00550, as well as, in Exhibits 1010, 1011, 1018, 1020, and 1021 in IPR2014-00549, and Exhibits 1007, 1010, 1011, 1019, and 1020 in IPR2014-00550. Paper 21.² In the motions, Petitioner describes each clerical or typographical error in the petitions and exhibits, along with the proposed correction for each error, that it seeks to address. *Id.* at 3–6. Petitioner explains in the motions that the proposed corrections, replacement exhibits (Ex. 1018, 1019, 1020, and 1021 in IPR2014-00549; Ex. 1007, 1019, and 1020 in IPR2014-00550) and corrected exhibits (Exhibits 1010 and 1011 in both cases) address and resolve specific objections made by Patent Owners pursuant to 37 C.F.R. § 42.64(b)(1) on October 28, 2014, regarding clerical and typographical errors to Petitioner’s exhibits. *Id.* at 2.

According to Petitioner, Patent Owner has reviewed the Petitioner’s proposed corrections and supplemental exhibits and agreed, in a communication dated November 19, 2014, that the proposed corrections resolve the clerical and typographical errors identified previously by Patent Owner. *Id.* Further, Petitioner explains that Patent Owner confirmed in a communication dated December 9, 2014, that it would not oppose the motions to correct these errors. Consistent with that assertion, Patent Owner has not filed an opposition to Petitioner’s motions.

² Paper numbers cited in this Order relate to both proceedings.

IPR2014-00549 (Patent 6,316,023 B1)

IPR2014-00550 (Patent 6,335,031 B1)

For these reasons, it is

ORDERED that Petitioner's Motions to Correct Petition and Exhibits
are granted.

PETITIONER:

Steven J. Lee
Michael K. Levy
Christopher J. Coulson
KENYON & KENYON LLP
slee@kenyon.com
mlevy@kenyon.com
ccoulson@kenyon.com

PATENT OWNER:

Raymond R. Mandra
Nicholas N. Kallas
FITZPATRICK, CELLA, HARPER & SCINTO
rmandra@fchs.com
rkallas@fchs.com
ExelonPatchIPR@fchs.com